

SENATE BILL No. 225

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-10; IC 3-11-2-12; IC 6-1.1; IC 6-3.5-6-18.5; IC 12-20-1; IC 15-16; IC 16-22-8; IC 16-41-19-7; IC 23-14; IC 32-26; IC 33-23-11-14; IC 33-34; IC 34-30-2-58; IC 36-1-8-17; IC 36-3; IC 36-6; IC 36-8; IC 36-9-13-35; IC 36-10.

Synopsis: Marion County government. Provides that in a county having a consolidated city, the township duties and responsibilities concerning cemetery maintenance, weed control, and parks and recreation are transferred to the county on January 1, 2011. Provides that beginning January 1, 2013, in a county having a consolidated city, the health and hospital corporation shall administer township assistance on a countywide basis. Provides that effective January 1, 2011, the operations of the township constable shall be accounted for in the county budget. Provides that in a county having a consolidated city, the offices of township trustee and township board are abolished effective January 1, 2013. Specifies that in a county having a consolidated city, the term of each township trustee and township board member elected at the November 2010 election expires January 1, 2013. Provides that on January 1, 2013, the fire departments of all of the following are consolidated into the fire department of the consolidated city: (1) The townships in the county having the consolidated city. (2) A fire protection territory in the county having the consolidated city. Provides that a transfer of duties between units of government results in the transfer of property, equipment, records, rights, contracts, and indebtedness. Provides that indebtedness related to fire protection services incurred before the effective date of the consolidation by an entity whose fire department is consolidated into the consolidated fire department shall be assumed by the consolidated city. Deletes a law
(Continued next page)

Effective: Upon passage; July 1, 2010; January 1, 2011; July 1, 2011; January 1, 2013.

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January 11, 2010, read first time and referred to Committee on Local Government.



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specifying that indebtedness related to fire protection services that is incurred by the consolidated city before the effective date of the consolidation remains the debt of the consolidated city and that property taxes levied to pay the debt may be levied only by the fire special service district. Authorizes the consolidation of an excluded city's fire department into the fire department of the consolidated city if: (1) the legislative body of the excluded city, after approval by the executive of the excluded city, adopts a resolution approving the consolidation; and (2) the legislative body of the consolidated city adopts an ordinance, approved by the mayor of the consolidated city, approving the consolidation. Effective January 1, 2012, transfers responsibilities concerning township small claims courts located in a consolidated city to the county. Provides that a transfer of duties between the townships and the county results in the transfer of property, equipment, records, rights, contracts, and indebtedness. Exempts from the property tax levy limits any amounts imposed by the consolidated city or the county to fund former township indebtedness. Provides that the maximum property tax levy of a consolidated city for property taxes first due and payable in 2013 shall be increased by an amount equal to the combined property tax levies of each township and fire protection district for property taxes first due and payable in 2012 for fire protection and related services. Adjusts the maximum property tax levy for the county for property taxes payable in 2013. Provides that before January 1, 2019, the consolidated city may levy a tax above the tax rate set for the consolidated fire department in each township that is necessary to phase out that township's borrowing for fire and emergency services under IC 36-6-6-14 and any other emergency or temporary loans by the township for fire and emergency services. Provides that after December 31, 2018, the tax rate for the consolidated fire department must be uniform within the entire service area served by the consolidated fire department. Requires the department of local government finance (DLGF) to determine whether the balance in each fund (other than a debt service fund) of a township in a county having a consolidated city is in excess of the amount needed by the township to carry out the purposes of the fund. Specifies the factors to be considered by the DLGF in making the determination. Requires a township to transfer 90% of any excess amounts to the county treasurer for deposit in a township infrastructure fund that is administered by the controller of the consolidated city. Specifies that money in a township infrastructure fund may be used by the county, upon appropriation by the county fiscal body, only for infrastructure within the township from which the money was transferred. Specifies that it is the policy of the consolidated fire department and the consolidated law enforcement department that fire protection services and law enforcement services are best performed by a workforce that represents the community served by those departments. Requires the executive of the consolidated city to institute revised procedures, subject to the review and approval of the legislative body of the consolidated city, to ensure that hiring and promotional practices achieve that policy. Provides that an individual who becomes a member of the police department or fire department of the consolidated city after June 30, 2010, must reside within the county having the consolidated city. Specifies that in a county having a consolidated city, the annual operating budget of a building authority is subject to review and approval by the city-county legislative body. Adds training requirements for constables. Requires the DLGF to adjust maximum permissible property tax levies and property tax rates as necessary to account for transfers of duties, powers, and obligations. Repeals provisions concerning the nine Marion County township small claims courts. Makes conforming amendments.

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Introduced

Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

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SENATE BILL No. 225

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-10-1-19, AS AMENDED BY P.L.146-2008,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2010]: Sec. 19. (a) The ballot for a primary election shall be
4 printed in substantially the following form for all the offices for which
5 candidates have qualified under IC 3-8:

OFFICIAL PRIMARY BALLOT

6
7 _____ Party
8 For paper ballots, print: To vote for a person, make a voting mark
9 (X or ✓) on or in the box before the person's name in the proper
10 column. For optical scan ballots, print: To vote for a person, darken or
11 shade in the circle, oval, or square (or draw a line to connect the arrow)
12 that precedes the person's name in the proper column. For optical scan
13 ballots that do not contain a candidate's name, print: To vote for a
14 person, darken or shade in the oval that precedes the number assigned
15 to the person's name in the proper column. For electronic voting



systems, print: To vote for a person, touch the screen (or press the button) in the location indicated.

Vote for one (1) only

Representative in Congress

☐ (1) AB _____

☐ (2) CD _____

☐ (3) EF _____

☐ (4) GH _____

(b) The offices with candidates for nomination shall be placed on the primary election ballot in the following order:

(1) Federal and state offices:

(A) President of the United States.

(B) United States Senator.

(C) Governor.

(D) United States Representative.

(2) Legislative offices:

(A) State senator.

(B) State representative.

(3) Circuit offices and county judicial offices:

(A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.

(B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.

(C) Judge of the probate court.

(D) Judge of the county court, with each division separate, as required by IC 33-30-3-3.

(E) Prosecuting attorney.

(F) Circuit court clerk.

(4) County offices:

(A) County auditor.

(B) County recorder.

(C) County treasurer.

(D) County sheriff.

(E) County coroner.

(F) County surveyor.

(G) County assessor.

(H) County commissioner.

(I) County council member.

(5) Township offices:

(A) Township assessor (only in a township referred to in

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- 1 IC 36-6-5-1(d)).
- 2 (B) Township trustee. **This clause does not apply to elections**
- 3 **in 2014 and thereafter in a county having a consolidated**
- 4 **city.**
- 5 (C) Township board member. **This clause does not apply to**
- 6 **elections in 2012 and thereafter in a county having a**
- 7 **consolidated city.**
- 8 (D) Judge of the small claims court.
- 9 (E) Constable of the small claims court.
- 10 (6) City offices:
- 11 (A) Mayor.
- 12 (B) Clerk or clerk-treasurer.
- 13 (C) Judge of the city court.
- 14 (D) City-county council member or common council member.
- 15 (7) Town offices:
- 16 (A) Clerk-treasurer.
- 17 (B) Judge of the town court.
- 18 (C) Town council member.
- 19 (c) The political party offices with candidates for election shall be
- 20 placed on the primary election ballot in the following order after the
- 21 offices described in subsection (b):
- 22 (1) Precinct committeeman.
- 23 (2) State convention delegate.
- 24 (d) The following offices and public questions shall be placed on the
- 25 primary election ballot in the following order after the offices described
- 26 in subsection (c):
- 27 (1) School board offices to be elected at the primary election.
- 28 (2) Other local offices to be elected at the primary election.
- 29 (3) Local public questions.
- 30 (e) The offices and public questions described in subsection (d)
- 31 shall be placed:
- 32 (1) in a separate column on the ballot if voting is by paper ballot;
- 33 (2) after the offices described in subsection (c) in the form
- 34 specified in IC 3-11-13-11 if voting is by ballot card; or
- 35 (3) either:
- 36 (A) on a separate screen for each office or public question; or
- 37 (B) after the offices described in subsection (c) in the form
- 38 specified in IC 3-11-14-3.5;
- 39 if voting is by an electronic voting system.
- 40 (f) A public question shall be placed on the primary election ballot
- 41 in the following form:
- 42 (The explanatory text for the public question,

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if required by law.)

"Shall (insert public question)?"

☐ YES

☐ NO

SECTION 2. IC 3-10-2-13, AS AMENDED BY P.L.146-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 13. The following public officials shall be elected at the general election before their terms of office expire and every four (4) years thereafter:

- (1) Clerk of the circuit court.
- (2) County auditor.
- (3) County recorder.
- (4) County treasurer.
- (5) County sheriff.
- (6) County coroner.
- (7) County surveyor.
- (8) County assessor.
- (9) County commissioner.
- (10) County council member.
- (11) Township trustee. **This subdivision does not apply to elections in 2014 and thereafter in a county having a consolidated city.**
- (12) Township board member. **This subdivision does not apply to elections in 2012 and thereafter in a county having a consolidated city.**
- (13) Township assessor (only in a township referred to in IC 36-6-5-1(d)).
- (14) Judge of a small claims court.
- (15) Constable of a small claims court.

SECTION 3. IC 3-11-2-12, AS AMENDED BY P.L.146-2008, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 12. The following offices shall be placed on the general election ballot in the following order:

- (1) Federal and state offices:
 - (A) President and Vice President of the United States.
 - (B) United States Senator.
 - (C) Governor and lieutenant governor.
 - (D) Secretary of state.
 - (E) Auditor of state.
 - (F) Treasurer of state.
 - (G) Attorney general.
 - (H) Superintendent of public instruction.

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- 1 (I) United States Representative.
- 2 (2) Legislative offices:
- 3 (A) State senator.
- 4 (B) State representative.
- 5 (3) Circuit offices and county judicial offices:
- 6 (A) Judge of the circuit court, and unless otherwise specified
- 7 under IC 33, with each division separate if there is more than
- 8 one (1) judge of the circuit court.
- 9 (B) Judge of the superior court, and unless otherwise specified
- 10 under IC 33, with each division separate if there is more than
- 11 one (1) judge of the superior court.
- 12 (C) Judge of the probate court.
- 13 (D) Judge of the county court, with each division separate, as
- 14 required by IC 33-30-3-3.
- 15 (E) Prosecuting attorney.
- 16 (F) Clerk of the circuit court.
- 17 (4) County offices:
- 18 (A) County auditor.
- 19 (B) County recorder.
- 20 (C) County treasurer.
- 21 (D) County sheriff.
- 22 (E) County coroner.
- 23 (F) County surveyor.
- 24 (G) County assessor.
- 25 (H) County commissioner.
- 26 (I) County council member.
- 27 (5) Township offices:
- 28 (A) Township assessor (only in a township referred to in
- 29 IC 36-6-5-1(d)).
- 30 (B) Township trustee. **This clause does not apply to elections**
- 31 **in 2014 and thereafter in a county having a consolidated**
- 32 **city.**
- 33 (C) Township board member. **This clause does not apply to**
- 34 **elections in 2012 and thereafter in a county having a**
- 35 **consolidated city.**
- 36 (D) Judge of the small claims court.
- 37 (E) Constable of the small claims court.
- 38 (6) City offices:
- 39 (A) Mayor.
- 40 (B) Clerk or clerk-treasurer.
- 41 (C) Judge of the city court.
- 42 (D) City-county council member or common council member.

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(7) Town offices:

(A) Clerk-treasurer.

(B) Judge of the town court.

(C) Town council member.

SECTION 4. IC 6-1.1-5.5-12, AS AMENDED BY P.L.144-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 12. (a) A party to a conveyance who:

(1) either:

(A) files a sales disclosure form that does not contain all of the information required by this chapter; or

(B) files a sales disclosure form that contains inaccurate information;

and receives from ~~the township assessor (in a county containing a consolidated city)~~ or the county assessor ~~(in any other county)~~ written notice of the problems described in clause (A) or (B); and (2) fails to file a correct sales disclosure form that fully complies with all requirements of this chapter within thirty (30) days after the date of the notice under subdivision (1);

is subject to a penalty in the amount determined under subsection (b).

(b) The amount of the penalty under subsection (a) is the greater of:

(1) one hundred dollars (\$100); or

(2) twenty-five thousandths percent (0.025%) of the sale price of the real property transferred under the conveyance document.

(c) ~~The township assessor in a county containing a consolidated city; or the county assessor in any other county;~~ shall:

(1) determine the penalty imposed under this section;

(2) assess the penalty to the party to a conveyance; and

(3) notify the party to the conveyance that the penalty is payable not later than thirty (30) days after notice of the assessment.

(d) The county auditor shall:

(1) collect the penalty imposed under this section;

(2) deposit penalty collections as required under section 4 of this chapter; and

(3) notify the county prosecuting attorney of delinquent payments.

(e) The county prosecuting attorney shall initiate an action to recover a delinquent penalty under this section. In a successful action against a person for a delinquent penalty, the court shall award the county prosecuting attorney reasonable attorney's fees.

SECTION 5. IC 6-1.1-11-4, AS AMENDED BY P.L.182-2009(ss), SECTION 107, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 4. (a) The exemption application referred to in section 3 of this chapter is not required if the

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exempt property is owned by the United States, the state, an agency of this state, or a political subdivision (as defined in IC 36-1-2-13). However, this subsection applies only when the property is used, and in the case of real property occupied, by the owner.

(b) The exemption application referred to in section 3 of this chapter is not required if the exempt property is a cemetery:

(1) described by IC 6-1.1-2-7; or

(2) maintained by a township executive **or the county official** under IC 23-14-68.

(c) The exemption application referred to in section 3 of this chapter is not required if the exempt property is owned by the bureau of motor vehicles commission established under IC 9-15-1.

(d) The exemption application referred to in section 3 or 3.5 of this chapter is not required if:

(1) the exempt property is:

(A) tangible property used for religious purposes described in IC 6-1.1-10-21;

(B) tangible property owned by a church or religious society used for educational purposes described in IC 6-1.1-10-16; or

(C) other tangible property owned, occupied, and used by a person for educational, literary, scientific, religious, or charitable purposes described in IC 6-1.1-10-16;

(2) the exemption application referred to in section 3 or 3.5 of this chapter was filed properly at least once for a religious use under IC 6-1.1-10-21 or an educational, literary, scientific, religious, or charitable use under IC 6-1.1-10-16; and

(3) the property continues to meet the requirements for an exemption under IC 6-1.1-10-16 or IC 6-1.1-10-21.

A change in ownership of property does not terminate an exemption of the property if after the change in ownership the property continues to meet the requirements for an exemption under IC 6-1.1-10-16 or IC 6-1.1-10-21. However, if title to any of the real property subject to the exemption changes or any of the tangible property subject to the exemption is used for a nonexempt purpose after the date of the last properly filed exemption application, the person that obtained the exemption or the current owner of the property shall notify the county assessor for the county where the tangible property is located of the change in the year that the change occurs. The notice must be in the form prescribed by the department of local government finance. If the county assessor discovers that title to property granted an exemption described in IC 6-1.1-10-16 or IC 6-1.1-10-21 has changed, the county assessor shall notify the persons entitled to a tax statement under

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IC 6-1.1-22-8.1 for the property of the change in title and indicate that the county auditor will suspend the exemption for the property until the persons provide the county assessor with an affidavit, signed under penalties of perjury, that identifies the new owners of the property and indicates that the property continues to meet the requirements for an exemption under IC 6-1.1-10-21 or IC 6-1.1-10-16. Upon receipt of the affidavit, the county assessor shall reinstate the exemption for the years for which the exemption was suspended and each year thereafter that the property continues to meet the requirements for an exemption under IC 6-1.1-10-21 or IC 6-1.1-10-16.

SECTION 6. IC 6-1.1-17-3, AS AMENDED BY P.L.182-2009(ss), SECTION 114, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. (a) The proper officers of a political subdivision shall formulate its estimated budget and its proposed tax rate and tax levy on the form prescribed by the department of local government finance and approved by the state board of accounts. The political subdivision shall give notice by publication to taxpayers of:

- (1) the estimated budget;
- (2) the estimated maximum permissible levy;
- (3) the current and proposed tax levies of each fund; and
- (4) the amounts of excessive levy appeals to be requested.

In the notice, the political subdivision shall also state the time and place at which a public hearing will be held on these items. The notice shall be published twice in accordance with IC 5-3-1 with the first publication at least ten (10) days before the date fixed for the public hearing. Beginning in 2009, the duties required by this subsection must be completed before September 10 of the calendar year.

(b) The board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5-2 (before its repeal) may conduct the public hearing required under subsection (a):

- (1) in any county of the solid waste management district; and
- (2) in accordance with the annual notice of meetings published under IC 13-21-5-2.

(c) The trustee of each township in the county shall estimate the amount necessary to meet the cost of township assistance in the township for the ensuing calendar year. The township board shall adopt with the township budget a tax rate sufficient to meet the estimated cost of township assistance. The taxes collected as a result of the tax rate adopted under this subsection are credited to the township assistance fund.

~~(d) This subsection expires January 1, 2009. A county shall adopt~~

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with the county budget and the department of local government finance shall certify under section 16 of this chapter a tax rate sufficient to raise the levy necessary to pay the following:

(1) The cost of child services (as defined in IC 12-19-7-1) of the county payable from the family and children's fund;

(2) The cost of children's psychiatric residential treatment services (as defined in IC 12-19-7.5-1) of the county payable from the children's psychiatric residential treatment services fund;

A budget, tax rate, or tax levy adopted by a county fiscal body or approved or modified by a county board of tax adjustment that is less than the levy necessary to pay the costs described in subdivision (1) or (2) shall not be treated as a final budget, tax rate, or tax levy under section 11 of this chapter.

(d) This subsection applies to taxes first due and payable after 2012. In a county having a consolidated city:

(1) the health and hospital corporation established under IC 16-22-8 shall estimate the amount necessary to meet the cost of township assistance in the county for the ensuing calendar year; and

(2) the county legislative body shall adopt with the county budget a tax rate uniform throughout the county sufficient to meet the estimated cost of township assistance.

The taxes collected as a result of the tax rate adopted under this subsection shall be credited to the county's township assistance fund established under IC 12-20-1-6.

SECTION 7. IC 6-1.1-18.5-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 22. (a) The ad valorem property tax levy limits imposed by this chapter do not apply to ad valorem property taxes imposed by a consolidated city to pay or fund any indebtedness assumed, defeased, paid, or refunded under IC 36-3-1-6.1.**

(b) For purposes of this section:

(1) "consolidating entity" means:

(A) a township; or

(B) a fire protection territory;

whose fire department is consolidated into the fire department of a consolidated city under IC 36-3-1-6.1; and

(2) "maximum levy" means the maximum permissible ad valorem property tax levy under section 3 of this chapter.

(c) The maximum levy of a consolidated city for property taxes first due and payable in 2013 shall be increased by an amount

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equal to the combined property tax levies of each consolidating entity for property taxes first due and payable in 2012 for fire protection and related services.

(d) Before January 1, 2019, the consolidated city may levy a tax above the tax rate set for the consolidated fire department in each township that is necessary to phase out that township's borrowing for fire and emergency services under IC 36-6-6-14 and any other emergency or temporary loans by the township for fire and emergency services. After December 31, 2018, the tax rate for the consolidated fire department must be uniform within the entire service area served by the consolidated fire department.

SECTION 8. IC 6-3.5-6-18.5, AS AMENDED BY P.L.146-2008, SECTION 339, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 18.5. (a) This section applies to a county containing a consolidated city.

(b) Notwithstanding section 18(e) of this chapter, the distributive shares that each civil taxing unit in a county containing a consolidated city is entitled to receive during a month equals the following:

(1) For the calendar year beginning January 1, 1995, calculate the total amount of revenues that are to be distributed as distributive shares during that month multiplied by the following factor: The distribution ratio for 2013 and thereafter is the following:

Center Township	.0251
Decatur Township	.00217
Franklin Township	.0023
Lawrence Township	.01177
Perry Township	.01130
Pike Township	.01865
Warren Township	.01359
Washington Township	.01346
Wayne Township	.01307
Lawrence-City	.00858
Beech Grove	.00845
Southport	.00025
Speedway	.00722
Indianapolis/Marion County	.86409 .97550

(2) Notwithstanding subdivision (1), for the calendar year beginning January 1, 1995, the distributive shares for each civil taxing unit in a county containing a consolidated city ~~shall be~~ were not less than the following:

Center Township	\$1,898,145
Decatur Township	\$164,103

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1	Franklin Township	\$173,934
2	Lawrence Township	\$890,086
3	Perry Township	\$854,544
4	Pike Township	\$1,410,375
5	Warren Township	\$1,027,721
6	Washington Township	\$1,017,890
7	Wayne Township	\$988,397
8	Lawrence-City	\$648,848
9	Beech Grove	\$639,017
10	Southport	\$18,906
11	Speedway	\$546,000

(3) For each year after ~~1995~~, **2012**, calculate the total amount of revenues that are to be distributed as distributive shares during that month as follows:

STEP ONE: Determine the total amount of revenues that were distributed as distributive shares during that month in calendar year 1995.

STEP TWO: Determine the total amount of revenue that the department has certified as distributive shares for that month under section 17 of this chapter for the calendar year.

STEP THREE: Subtract the STEP ONE result from the STEP TWO result.

STEP FOUR: If the STEP THREE result is less than or equal to zero (0), multiply the STEP TWO result by the **distribution** ratio established under subdivision (1).

STEP FIVE: Determine the ratio of:

(A) the maximum permissible property tax levy under IC 6-1.1-18.5 for each civil taxing unit for the calendar year in which the month falls, plus, for a county, the welfare allocation amount; divided by

(B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5 for all civil taxing units of the county during the calendar year in which the month falls, and an amount equal to the welfare allocation amount.

STEP SIX: If the STEP THREE result is greater than zero (0), the STEP ONE amount shall be distributed by multiplying the STEP ONE amount by the **distribution** ratio established under subdivision (1).

STEP SEVEN: For each taxing unit, determine the STEP FIVE ratio multiplied by the STEP TWO amount.

STEP EIGHT: For each civil taxing unit, determine the difference between the STEP SEVEN amount minus the

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product of the STEP ONE amount multiplied by the **distribution** ratio established under subdivision (1). The STEP THREE excess shall be distributed as provided in STEP NINE only to the civil taxing units that have a STEP EIGHT difference greater than or equal to zero (0).

STEP NINE: For the civil taxing units qualifying for a distribution under STEP EIGHT, each civil taxing unit's share equals the STEP THREE excess multiplied by the ratio of:

- (A) the maximum permissible property tax levy under IC 6-1.1-18.5 for the qualifying civil taxing unit during the calendar year in which the month falls, plus, for a county, an amount equal to the welfare allocation amount; divided by
- (B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5 for all qualifying civil taxing units of the county during the calendar year in which the month falls, and an amount equal to the welfare allocation amount.

(c) The welfare allocation amount is an amount equal to the sum of the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund and the property taxes imposed by the county in 2008 for the county's county medical assistance to wards fund, family and children's fund, children's psychiatric residential treatment services fund, county hospital care for the indigent fund, children with special health care needs county fund, plus, in the case of Marion County, thirty-five million dollars (\$35,000,000).

SECTION 9. IC 12-20-1-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 5. (a) This section applies only to a county having a consolidated city.**

(b) As used in this section, "corporation" refers to the health and hospital corporation established under IC 16-22-8.

(c) Effective January 1, 2013, the corporation shall administer township assistance on a countywide basis. The corporation shall ensure access of all county residents to the timely and efficient provision of township assistance through appropriate physical access points throughout the consolidated city.

(d) The following apply to the corporation:

(1) A suit or proceeding in favor of or against the corporation concerning township assistance shall be conducted in favor of or against the corporation in its corporate name.

(2) The corporation is entitled to the same protections and immunities as are afforded to a township trustee under

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1 IC 12-20-3.

2 (3) The corporation has the same powers in the
3 administration of township assistance in the county as a
4 township trustee has in the administration of township
5 assistance in a township under IC 12-20-4, IC 12-20-5,
6 IC 12-20-15, IC 12-20-16, IC 12-20-17, IC 12-20-18, and
7 IC 12-20-19.

8 (4) The same standards and requirements that apply to or
9 may be imposed upon recipients of and applicants for
10 township assistance under IC 12-20-6, IC 12-20-7, IC 12-20-8,
11 IC 12-20-9, IC 12-20-10, IC 12-20-11, IC 12-20-12, and
12 IC 12-20-13 apply to, or may be imposed upon, recipients of
13 and applicants for township assistance administered by the
14 corporation.

15 (5) The corporation may assert a claim against the estate of an
16 individual who received township assistance from the
17 corporation to the same extent as a township trustee may
18 assert a claim under IC 12-20-27 against the estate of an
19 individual who received township assistance from a township.

20 (6) The corporation is subject to the same reporting
21 requirements with respect to township assistance
22 administered in the county to which a township trustee is
23 subject under IC 12-20-28 with respect to township assistance
24 administered in the township.

25 (7) The corporation shall propose uniform standards for the
26 issuance of township assistance throughout the county and the
27 processing of applications for township assistance that meet
28 the requirements of IC 12-20-5.5.

29 (8) State and local agencies shall provide the corporation with
30 the information provided to a township trustee under
31 IC 12-20-7. An officer or an employee of the corporation is
32 subject to the criminal penalty set forth in IC 12-20-7-6 for
33 disclosure of information.

34 (9) An applicant for township assistance and the corporation
35 may appeal a decision regarding township assistance in the
36 same manner that an appeal is taken under IC 12-20-15.

37 (e) Any application for township assistance for which the
38 township has not entered a final decision regarding the granting or
39 denial of township assistance by the close of business on December
40 31, 2012, shall be treated as a new application filed with the
41 corporation on January 1, 2013. The corporation shall make a
42 decision on the application in accordance with the uniform

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standards adopted under subsection (d)(7).

(f) Any application for township assistance that has been granted before January 1, 2013, but for which assistance has not been disbursed by the township shall be disbursed and administered by the corporation in accordance with the township's grant of township assistance.

SECTION 10. IC 12-20-1-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 6. (a) This section applies:

(1) only after December 31, 2012; and

(2) only to a county having a consolidated city.

(b) The health and hospital corporation shall establish a township assistance fund for the county.

(c) The fund shall be raised by a tax levy that:

(1) is in addition to all other tax levies authorized; and

(2) shall be levied annually by the county fiscal body on all taxable property in the county in the amount necessary to pay the items, awards, claims, allowances, assistance, and other expenses set forth in the annual township assistance budget for the county.

(d) The tax imposed under this section shall be collected as other county ad valorem taxes are collected.

(e) The following shall be paid into the county's township assistance fund:

(1) All receipts from the tax imposed under this section.

(2) Any other money required by law to be placed in the fund.

(f) The fund is available for the purpose of paying expenses and obligations set forth in the annual budget.

(g) Money in the fund at the end of a budget year does not revert to the county general fund.

(h) The maximum permissible property tax levy of the county for property taxes first due and payable in 2013 shall be increased as provided in IC 36-6-1.1-11.

SECTION 11. IC 15-16-7-4, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 4. (a) The weed control board **in a county not having a consolidated city** consists of the following members to be appointed by the authorizing body:

(1) One (1) township trustee of the county.

(2) One (1) soil and water conservation district supervisor.

(3) One (1) representative from the agricultural community of the county.

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(4) One (1) representative from the county highway department or an appointee of the county commissioners.

(5) One (1) cooperative extension service agent from the county to serve in a nonvoting advisory capacity.

(b) Each board member shall be appointed for a term of four (4) years. All vacancies in the membership of the board shall be filled for the unexpired term in the same manner as initial appointments.

(c) The board shall elect a chairperson and a secretary. The members of the board are not entitled to receive any compensation, but are entitled to any traveling and other expenses that are necessary in the discharge of the members' duties.

SECTION 12. IC 15-16-7-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 4.5. In a county having a consolidated city, the county legislative body shall prescribe by ordinance the membership of the weed control board. A cooperative extension service agent from the county shall advise the board in a nonvoting capacity.**

SECTION 13. IC 15-16-7-5, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 5. The weed control board in a county not having a consolidated city may:**

(1) appoint an executive director; and

(2) employ necessary technical, professional, and other assistants.

The board shall fix the qualifications, duties, and salaries of these employees subject to the approval of the county council.

SECTION 14. IC 15-16-7-6, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 6. (a) The county highway supervisor and the soil and water conservation district supervisor or employee serving the a county not having a consolidated city shall:**

(1) serve as inspectors for the weed control board;

(2) make periodic inspections; and

(3) report their findings to the board and the executive director, if any.

(b) In a county having a consolidated city and subject to IC 36-3-4-23, the department of code enforcement shall make periodic inspections and report its findings to the weed control board.

SECTION 15. IC 15-16-7-9, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 9. (a) The weed control board shall require**

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persons who own:

(1) real estate; or

(2) easements, rights-of-way, or other similar interests in real estate;

in the county to control and contain noxious weeds growing on the real estate.

(b) A five (5) day written notice to remove any noxious weeds shall be issued by the board. The notice may be served:

(1) by certified or registered mail addressed to the latest address of the person or to the person's resident agent; or

(2) personally by the sheriff.

(c) **In a county not having a consolidated city**, the weed control board shall notify the township trustee when the board has sent a notice to a person to remove noxious weeds growing on real estate in the township.

(d) In a county having a consolidated city, the county legislative body shall specify by ordinance who shall receive notice when the board has sent a notice to a person to remove noxious weeds growing on real estate.

SECTION 16. IC 15-16-8-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 0.5. (a) The powers and duties established by this chapter are conferred and imposed:**

(1) in a county having a consolidated city, on the county with respect to property in the county; and

(2) in all other counties, on the township trustee with respect to property in the township.

(b) Any reference to "township trustee" in this chapter shall be considered in the case of a county having a consolidated city to be a reference to the county official for purposes of administering this chapter.

(c) Any reference to "township fund" in this chapter shall be considered in the case of a county having a consolidated city to be a reference to the appropriate county fund designated by ordinance of the county legislative body.

(d) In a county having a consolidated city, the county fiscal body (rather than the township board) shall take any actions required under section 5(c) of this chapter.

(e) In a county having a consolidated city, the estimate under section 5(d) of this chapter shall be submitted to the controller of the consolidated city (rather than to the township board).

SECTION 17. IC 15-16-8-0.6 IS ADDED TO THE INDIANA

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CODE AS A NEW SECTION TO READ AS FOLLOWS
 [EFFECTIVE JANUARY 1, 2011]: **Sec. 0.6. As used in this chapter, "county official" means the official of a county having a consolidated city who is designated under IC 36-3-5-4 as responsible for administering this chapter for the county.**

SECTION 18. IC 15-16-8-10, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 10. (a) When the annual township budget is prepared, a sufficient amount shall be appropriated to enable the township ~~officials~~ **trustees** to comply with this chapter.

(b) **In a county having a consolidated city, when the annual county budget is prepared for 2011 and each year thereafter, a sufficient amount shall be appropriated to enable the county official to comply with this chapter.**

SECTION 19. IC 16-22-8-28, AS AMENDED BY P.L.184-2005, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 28. (a) The board shall create the following:

- (1) A division of public health.
- (2) A division of public hospitals.
- (3) Other divisions the board considers necessary.

(b) The division of public health shall serve as the county health department with powers and duties conferred by law upon local departments of health.

(c) The division of public hospitals shall operate the corporation's hospitals, medical facilities, and mental health facilities.

(d) **The board shall create a bureau of public assistance as a subdivision of the division of public health. The bureau shall administer township assistance in the county under IC 12-20-1-5.**

SECTION 20. IC 16-22-8-34, AS AMENDED BY P.L.134-2008, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 34. (a) The board or corporation may do all acts necessary or reasonably incident to carrying out the purposes of this chapter, including the following:

- (1) As a municipal corporation, sue and be sued in any court with jurisdiction.
- (2) To serve as the exclusive local board of health and local department of health within the county with the powers and duties conferred by law upon local boards of health and local departments of health.
- (3) To adopt and enforce ordinances consistent with Indiana law and administrative rules for the following purposes:
 - (A) To protect property owned or managed by the corporation.

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- 1 (B) To determine, prevent, and abate public health nuisances.
- 2 (C) To establish isolation and quarantine regulations in
- 3 accordance with IC 16-41-9.
- 4 (D) To license, regulate, and establish minimum sanitary
- 5 standards for the operation of a business handling, producing,
- 6 processing, preparing, manufacturing, packing, storing,
- 7 selling, distributing, or transporting articles used for food,
- 8 drink, confectionery, or condiment in the interest of the public
- 9 health.
- 10 (E) To control:
- 11 (i) rodents, mosquitos, and other animals, including insects,
- 12 capable of transmitting microorganisms and disease to
- 13 humans and other animals; and
- 14 (ii) the animals' breeding places.
- 15 (F) To require persons to connect to available sewer systems
- 16 and to regulate the disposal of domestic or sanitary sewage by
- 17 private methods. However, the board and corporation have no
- 18 jurisdiction over publicly owned or financed sewer systems or
- 19 sanitation and disposal plants.
- 20 (G) To control rabies.
- 21 (H) For the sanitary regulation of water supplies for domestic
- 22 use.
- 23 (I) To protect, promote, or improve public health. For public
- 24 health activities and to enforce public health laws, the state
- 25 health data center described in IC 16-19-10 shall provide
- 26 health data, medical information, and epidemiological
- 27 information to the corporation.
- 28 (J) To detect, report, prevent, and control disease affecting
- 29 public health.
- 30 (K) To investigate and diagnose health problems and health
- 31 hazards.
- 32 (L) To regulate the sanitary and structural conditions of
- 33 residential and nonresidential buildings and unsafe premises.
- 34 (M) To regulate the remediation of lead hazards.
- 35 (N) To license and regulate the design, construction, and
- 36 operation of public pools, spas, and beaches.
- 37 (O) To regulate the storage, containment, handling, use, and
- 38 disposal of hazardous materials.
- 39 (P) To license and regulate tattoo and body piercing facilities.
- 40 (Q) To regulate the storage and disposal of waste tires.
- 41 (4) To manage the corporation's hospitals, medical facilities, and
- 42 mental health facilities.

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- 1 (5) To furnish health and nursing services to elementary and
- 2 secondary schools within the county.
- 3 (6) To furnish medical care to insured and uninsured residents of
- 4 the county.
- 5 (7) To furnish dental services to the insured and uninsured
- 6 residents of the county.
- 7 (8) To establish public health programs.
- 8 (9) To adopt an annual budget ordinance and levy taxes.
- 9 (10) To incur indebtedness in the name of the corporation.
- 10 (11) To organize the corporation into divisions.
- 11 (12) To acquire and dispose of property.
- 12 (13) To receive charitable contributions and gifts as provided in
- 13 26 U.S.C. 170.
- 14 (14) To make charitable contributions and gifts.
- 15 (15) To establish a charitable foundation as provided in 26 U.S.C.
- 16 501.
- 17 (16) To receive and distribute federal, state, local, or private
- 18 grants.
- 19 (17) To receive and distribute grants from charitable foundations.
- 20 (18) To establish corporations and enter into partnerships and
- 21 joint ventures to carry out the purposes of the corporation. This
- 22 subdivision does not authorize the merger of the corporation with
- 23 a hospital licensed under IC 16-21.
- 24 (19) To erect, improve, remodel, or repair corporation buildings.
- 25 (20) To determine operating procedures.
- 26 (21) To do the following:
- 27 (A) Adopt a schedule of reasonable charges for nonresidents
- 28 of the county for medical and mental health services.
- 29 (B) Collect the charges from the patient, the patient's insurance
- 30 company, or a government program.
- 31 (C) Require security for the payment of the charges.
- 32 (22) To adopt a schedule of and to collect reasonable charges for
- 33 medical and mental health services.
- 34 (23) To enforce Indiana laws, administrative rules, ordinances,
- 35 and the code of the health and hospital corporation of the county.
- 36 (24) To purchase supplies, materials, and equipment.
- 37 (25) To employ personnel and establish personnel policies.
- 38 (26) To employ attorneys admitted to practice law in Indiana.
- 39 (27) To acquire, erect, equip, and operate the corporation's
- 40 hospitals, medical facilities, and mental health facilities.
- 41 (28) To dispose of surplus property in accordance with a policy by
- 42 the board.

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(29) To determine the duties of officers and division directors.

(30) To fix the compensation of the officers and division directors.

(31) To carry out the purposes and object of the corporation.

(32) To obtain loans for hospital expenses in amounts and upon terms agreeable to the board. The board may secure the loans by pledging accounts receivable or other security in hospital funds.

(33) To establish fees for licenses, services, and records. The corporation may accept payment by credit card for fees. IC 5-14-3-8(d) does not apply to fees established under this subdivision for certificates of birth, death, or stillbirth registration.

(34) To use levied taxes or other funds to make intergovernmental transfers to the state to fund governmental health care programs, including Medicaid and Medicaid supplemental programs.

(35) To administer township assistance in the county after December 31, 2012.

(b) The board shall exercise the board's powers and duties in a manner consistent with Indiana law, administrative rules, and the code of the health and hospital corporation of the county.

SECTION 21. IC 16-41-19-7, AS AMENDED BY P.L.73-2005, SECTION 169, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 7. **(a) After December 31, 2012, in a county having a consolidated city, the health and hospital corporation established under IC 16-22-8 has all the rights, duties, and responsibilities of the township and township trustee under this section.**

~~(a)~~ **(b)** Except as provided in subsection ~~(b)~~, **(c)**, all costs that are incurred in furnishing biologicals under this chapter, IC 12-20-16-2(c)(13), or IC 12-20-16-14 shall be paid by:

(1) the appropriate county, city, or town against which the application form is issued from general funds; ~~and~~

(2) the appropriate township against which the application form is issued from funds in the township assistance fund; ~~and~~

(3) after December 31, 2012, in a county having a consolidated city, the health and hospital corporation from funds in the township assistance fund;

not otherwise appropriated without appropriations.

~~(b)~~ **(c)** A township is not responsible for paying for biologicals as provided in subsection ~~(a)~~ **(2)** ~~(b)~~ **(2)** if the township trustee has evidence that the individual has the financial ability to pay for the biologicals.

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(d) After being presented with a legal claim for insulin being furnished to the same individual a second time, a township trustee may require the individual to complete and file a standard application for township assistance in order to investigate the financial condition of the individual claiming to be indigent. The trustee shall immediately notify the individual's physician that:

(1) the financial ability of the individual claiming to be indigent is in question; and

(2) a standard application for township assistance must be filed with the township.

The township shall continue to furnish insulin under this section until the township trustee completes an investigation and makes a determination as to the individual's financial ability to pay for insulin.

(e) For purposes of this section, the township shall consider an adult individual needing insulin as an individual and not as a member of a household requesting township assistance.

SECTION 22. IC 23-14-31-26, AS AMENDED BY P.L.143-2009, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 26. (a) Except as provided in subsection (c), the following persons, in the priority listed, have the right to serve as an authorizing agent:

(1) An individual granted the authority to serve in a funeral planning declaration executed by the decedent under IC 29-2-19.

(2) An individual granted the authority to serve in a health care power of attorney executed by the decedent under IC 30-5-5-16.

(3) The individual who was the spouse of the decedent at the time of the decedent's death.

(4) The decedent's surviving adult children. If more than one (1) adult child is surviving, any adult child who confirms in writing that the other adult children have been notified, unless the crematory authority receives a written objection to the cremation from another adult child.

(5) The decedent's surviving parent. If the decedent is survived by both parents, either parent may serve as the authorizing agent unless the crematory authority receives a written objection to the cremation from the other parent.

(6) The individual in the next degree of kinship under IC 29-1-2-1 to inherit the estate of the decedent. If more than one (1) individual of the same degree is surviving, any person of that degree may serve as the authorizing agent unless the crematory authority receives a written objection to the cremation from one (1) or more persons of the same degree.

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(7) In the case of an indigent or other individual whose final disposition is the responsibility of the state, ~~or township~~, **or (after December 31, 2012) a county having a consolidated city**, the following may serve as the authorizing agent:

(A) If none of the persons identified in subdivisions (1) through (6) are available:

(i) a public administrator, including a responsible township trustee, ~~or the trustee's designee~~, **or (after December 31, 2012, in the case of a county having a consolidated city) a person designated by the health and hospital corporation**; or

(ii) the coroner.

(B) A state appointed guardian.

However, an indigent decedent may not be cremated if a surviving family member objects to the cremation or if cremation would be contrary to the religious practices of the deceased individual as expressed by the individual or the individual's family.

(8) In the absence of any person under subdivisions (1) through (7), any person willing to assume the responsibility as the authorizing agent, as specified in this article.

(b) When a body part of a nondeceased individual is to be cremated, a representative of the institution that has arranged with the crematory authority to cremate the body part may serve as the authorizing agent.

(c) If:

(1) the death of the decedent appears to have been the result of:

(A) murder (IC 35-42-1-1);

(B) voluntary manslaughter (IC 35-42-1-3); or

(C) another criminal act, if the death does not result from the operation of a vehicle; and

(2) the coroner, in consultation with the law enforcement agency investigating the death of the decedent, determines that there is a reasonable suspicion that a person described in subsection (a) committed the offense;

the person referred to in subdivision (2) may not serve as the authorizing agent.

(d) The coroner, in consultation with the law enforcement agency investigating the death of the decedent, shall inform the crematory authority of the determination referred to in subsection (c)(2).

SECTION 23. IC 23-14-33-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 3.5. (a) In a county having**

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1 a consolidated city, a reference in this chapter through IC 23-14-76
2 to "township fund" is considered a reference to the cemetery fund
3 established for the county.

4 (b) In a county having a consolidated city, a reference in this
5 chapter through IC 23-14-76 to "township" is considered a
6 reference to the county.

7 (c) In a county having a consolidated city, a reference in this
8 chapter through IC 23-14-76 to "township trustee" is considered
9 a reference to the person designated by the county executive as
10 being responsible for administering this chapter through
11 IC 23-14-76.

12 (d) After December 31, 2010, in a county having a consolidated
13 city, the county (rather than the township) may levy the cemetery
14 tax under IC 23-14-68-4.

15 (e) After December 31, 2010, in a county having a consolidated
16 city, the county fiscal body (rather than the township legislative
17 body) may approve a purchase under IC 23-14-69-5.

18 SECTION 24. IC 23-14-70-1.5 IS ADDED TO THE INDIANA
19 CODE AS A NEW SECTION TO READ AS FOLLOWS
20 [EFFECTIVE JANUARY 1, 2011]: Sec. 1.5. (a) In a county having
21 a consolidated city, a reference in this chapter to "township" is
22 considered a reference to the county.

23 (b) In a county having a consolidated city, a reference in this
24 chapter to "township trustee" is considered a reference to the
25 person designated by the county executive as being responsible for
26 administering this chapter.

27 SECTION 25. IC 23-14-74-1, AS AMENDED BY P.L.2-2008,
28 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2011]: Sec. 1. A corporation, organization, association, or
30 individual that owns and has the control and management of a public
31 cemetery located in a township **or (after December 31, 2010) in a**
32 **county having a consolidated city** shall keep the public cemetery in
33 a respectable condition by destroying detrimental plants (as defined in
34 IC 15-16-8-1), noxious weeds, and rank vegetation.

35 SECTION 26. IC 23-14-75-1, AS AMENDED BY P.L.163-2006,
36 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2010]: Sec. 1. This chapter applies to a city, town, ~~or~~
38 township, **or (after December 31, 2010) county having a**
39 **consolidated city** that:

- 40 (1) owns a cemetery that has been in existence for at least thirty
41 (30) years; or
42 (2) desires to own a public cemetery.

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SECTION 27. IC 23-14-75-2, AS AMENDED BY P.L.163-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. If land has not been appropriated or set apart by the owners by platting for a public cemetery and it is necessary to purchase real estate for the cemetery:

(1) the legislative body of the city, ~~or~~ town, **or (after December 31, 2010) county having a consolidated city;** or

(2) the executive of the township;

has the power of eminent domain to condemn and appropriate the land for cemetery purposes under proceedings provided by statute.

SECTION 28. IC 32-26-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 2. **(a) As used in this section, "county official" means the official designated under IC 36-3-5-2 as responsible for administering this chapter. In a county having a consolidated city, the county official (rather than the township trustee) is responsible for administering this chapter after December 31, 2010.**

~~(a)~~ **(b)** The trustee of each township, **the county official**, the county highway superintendent, the Indiana department of transportation, or other officer in control of the maintenance of a highway shall between January 1 and April 1 of each year, examine all hedges, live fences, natural growths along highways, and other obstructions described in section 1 of this chapter in their respective jurisdictions. If there are hedges, live fences, other growths, or obstructions along the highways that have not been cut, trimmed down, and maintained in accordance with this chapter, the owner shall be given written notice to cut or trim the hedge or live fence and to burn the brush trimmed from the hedge or live fence and remove any other obstructions or growths.

~~(b)~~ **(c)** The notice required under subsection ~~(a)~~ **(b)** must be served by reading the notice to the owner or by leaving a copy of the notice at the owner's usual place of residence.

~~(c)~~ **(d)** If the owner is not a resident of the township, county, or state where the hedge, live fence, or other obstructions or growth is located, the notice shall be served upon the owner's agent or tenant residing in the township **or (after December 31, 2010) a county having a consolidated city.** If an agent or a tenant of the owner does not reside in the township **or (after December 31, 2010) a county having a consolidated city**, the notice shall be served by mailing a copy of the notice to the owner, directed to the owner's last known post office address.

~~(d)~~ **(e)** If the owner, agents, or tenants do not proceed to cut and trim the fences and burn the brush trimmed from the fences or remove any

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obstructions or growths within ten (10) days after notice is served, the township trustee, county highway superintendent, or Indiana department of transportation shall immediately:

- (1) cause the fences to be cut and trimmed or obstructions or growths removed in accordance with this chapter; and
- (2) burn the brush trimmed from the fences.

All expenses incurred under this subsection shall be assessed against and become a lien upon the land in the same manner as road taxes.

~~(c)~~ **(f)** The township trustee, county highway superintendent, ~~or~~ Indiana department of transportation, **or (after December 31, 2010) county official** having charge of the work performed under subsection ~~(d)~~ **(e)** shall prepare an itemized statement of the total cost of the work of removing the obstructions or growths and shall sign and certify the statement to the county auditor of the county in which the land is located. The county auditor shall place the statement on the tax duplicates. The county treasurer shall collect the costs entered on the duplicates at the same time and in the same manner as road taxes are collected. The treasurer may not issue a receipt for road taxes unless the costs entered on the duplicates are paid in full at the same time the road taxes are paid. If the costs are not paid when due, the costs shall become delinquent, bear the same interest, be subject to the same penalties, and be collected at the same time and in the same manner as other unpaid and delinquent taxes.

SECTION 29. IC 32-26-9-0.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 0.6. (a) As used in this chapter, "county official" means the official designated under IC 36-3-5-2 as responsible for administering this chapter. In a county having a consolidated city, the county official (rather than the township trustee) is responsible for administering this chapter after December 31, 2010.**

(b) In a county having a consolidated city, a reference in this chapter to "township" is considered a reference to the county.

(c) In a county having a consolidated city, a reference in this chapter to "township trustee" is considered a reference to the county official.

SECTION 30. IC 33-23-11-14, AS AMENDED BY P.L.127-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 14. (a) The following shall file with the commission on judicial qualifications an annual statement of economic interests:**

- (1) Justices, judges, ~~and~~ prosecuting attorneys, and constables.**

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(2) Except as provided in subsection (c), any candidate for one (1) of the offices listed in subdivision (1) who is not the holder of that office.

(b) Justices and judges who are candidates for retention in office are subject to IC 3-9.

(c) This section does not apply to a candidate for an appointment pro tempore to fill a vacancy in an office under IC 3-13.

SECTION 31. IC 33-34-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. The judge of the circuit court shall extend aid and assistance to the judges in the conduct of the:

- (1) township small claims courts **(before January 1, 2012); and**
- (2) **small claims courts (after December 31, 2011).**

SECTION 32. IC 33-34-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 6. A division of the small claims court must be a full-time division or a part-time division as determined by the:

- (1) individual township boards **(before January 1, 2012); and**
- (2) **city-county council (after December 31, 2011);**

following a hearing conducted under section 7 of this chapter.

SECTION 33. IC 33-34-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 8. The township trustee **(before January 1, 2012) and the clerk of the city-county council (after December 31, 2011)** shall give ten (10) days notice of all hearings held under section 7 of this chapter in one (1) or more newspapers of general circulation in the county

SECTION 34. IC 33-34-1-9, AS AMENDED BY P.L.174-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 9. Not more than two (2) weeks **(before January 1, 2012) or six (6) weeks (after December 31, 2011)** after a hearing is conducted under section 7 of this chapter, the township board **(before January 1, 2012) and the city-county council (after December 31, 2011)** shall, after considering the evidence, opinions, advice, and suggestions presented at the hearing, enter an order concerning:

- (1) whether a small claims court shall be established or abolished in the township if the township has a population of less than fifteen thousand (15,000) persons;
- (2) whether the small claims court if any, shall function full time or part time;
- (3) the location of the small claims court courtroom and offices under IC 33-34-6-1; and

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(4) other relevant matters.

SECTION 35. IC 33-34-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. (a) The circuit court judge may establish a regular hourly schedule for the performance of duties by full-time or part-time township small claims courts **(before January 1, 2012) and full-time or part-time small claims courts (after December 31, 2011)**, and each judge shall maintain that schedule.

(b) If the circuit court judge does not establish a regular hourly schedule, the judge shall perform the judge's duties at regular, reasonable hours.

(c) Regardless of whether a regular hourly schedule has been established as set forth in subsection (a), a judge shall hold sessions in addition to the judge's regular schedule whenever the business of the judge's court requires.

SECTION 36. IC 33-34-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. (a) The salary of a judge who serves full time must be in an amount:

- (1) determined by the township board of the township in which the small claims court is located **(before January 1, 2012); and**
- (2) established by ordinance of the city-county council (after December 31, 2011).**

(b) The salary of each judge who serves part time must be in an amount:

- (1) determined by the township board and approved by the city-county council **(before January 1, 2012); and**
- (2) determined by the controller and approved by the city-county council (after December 31, 2011).**

(c) The salary of a judge may not be reduced during the judge's term of office.

(d) At any other time, salaries of any full-time or part-time judge may be increased or decreased:

- (1) by the township board of the township in which the small claims court is located **(before January 1, 2012); and**
- (2) by ordinance of the city-county council (after December 31, 2011).**

SECTION 37. IC 33-34-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 6. (a) The annual salary of a judge shall be paid:

- (1) in twelve (12) equal monthly installments by the township trustee **(before January 1, 2012); and**
- (2) in twelve (12) equal monthly installments by the county**

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1 **(after December 31, 2011).**

2 (b) The judge may not receive remuneration other than a salary set
3 under section 5 of this chapter for the performance of the judge's
4 official duties except payments for performing marriage ceremonies.

5 SECTION 38. IC 33-34-2-14 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 14. (a) The resignation
7 of a judge shall be delivered to the clerk of the circuit court. The clerk
8 shall advise the circuit court and **(before January 1, 2012) the**
9 appropriate township board.

10 (b) A vacancy occurring in a judgeship must be filled under
11 IC 3-13-10.

12 SECTION 39. IC 33-34-3-1 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. (a) Except for a
14 claim between landlord and tenant, a case within the jurisdiction of a
15 small claims court may be:

- 16 (1) venued;
17 (2) commenced; and
18 (3) decided;

19 in any township small claims court **(before January 1, 2012)** within
20 the county **and in any small claims court (after December 31, 2011)**
21 **within the county.** However, upon a motion for change of venue filed
22 by the defendant within ten (10) days of service of the summons, the
23 township small claims court **(before January 1, 2012) and small**
24 **claims court (after December 31, 2011)** shall determine in
25 accordance with subsection (b) whether required venue lies with the
26 court or with another small claims court in the county in which the
27 small claims court action was filed.

28 (b) The venue determination to be made under subsection (a) must
29 be made in the following order:

- 30 (1) In an action upon a debt or account, venue is in the township
31 where any defendant has consented to venue in a writing signed
32 by the defendant.
33 (2) Venue is in the township where a transaction or occurrence
34 giving rise to any part of the claim took place.
35 (3) Venue is in the township (in a county of the small claims
36 court) where the greater percentage of individual defendants
37 included in the complaint resides, or, if there is not a greater
38 percentage, the place where any individual named as a defendant:
39 (A) resides;
40 (B) owns real estate; or
41 (C) rents an apartment or real estate or where the principal
42 office or place of business of any defendant is located.

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(4) Venue is in the township where the claim was filed if there is no other township in the county in which the small claims court sits in which required venue lies.

(c) Venue of any claim between landlord and tenant must be in the township where the real estate is located.

(d) If a written motion challenging venue is received by the small claims court, the court shall rule whether required venue lies in the township of filing.

SECTION 40. IC 33-34-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. The circuit court judge may transfer cases from one (1) township small claims court to another **(before January 1, 2012) and from one (1) small claims court (after December 31, 2011) to another** as necessary.

SECTION 41. IC 33-34-5-4, AS AMENDED BY P.L.174-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. (a) If a judge is unable to preside over the judge's small claims court during any number of days, the judge may appoint in writing a person qualified to be a small claims judge under IC 33-34-2-2 to preside in place of the judge.

(b) The written appointment shall be entered on the order book or record of the circuit court. The appointee shall, after taking the oath prescribed for the judges, conduct the business of the small claims court subject to the same rules and regulations as judges and has the same authority during the continuance of the appointee's appointment.

(c) **This subsection expires January 1, 2012.** The appointee is entitled to the same compensation from the township trustee as accruable to the small claims judge in whose place the appointee is serving.

(d) **This subsection applies after December 31, 2011. The appointee is entitled to the same compensation accruable to the small claims judge in whose place the appointee is serving.**

SECTION 42. IC 33-34-6-1, AS AMENDED BY P.L.174-2006, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. The township trustee **(before January 1, 2012) and the county (after December 31, 2011)** shall provide a courtroom and an office for each judge in a convenient location within the township that has:

- (1) adequate access;
- (2) sufficient parking facilities;
- (3) a separate and appropriate courtroom;
- (4) proper space and facilities for the bailiff, clerks, and other employees; and

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(5) enough room for files and supplies.

SECTION 43. IC 33-34-6-2, AS AMENDED BY P.L.174-2006, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. A township **(before January 1, 2012) and the county (after December 31, 2011)** shall:

(1) furnish all:

(A) supplies, including all blanks, forms, stationery, and papers of every kind, required for use in all cases in the township small claims court; and

(B) furniture, books, and other necessary equipment and supplies; and

(2) provide for all necessary maintenance and upkeep of the facilities where court is held.

SECTION 44. IC 33-34-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. **(a) This subsection expires January 1, 2012.** Each township shall provide an appropriate and competitive salary of at least five thousand six hundred dollars (\$5,600) for the number of clerks for the small claims court sufficient to:

(1) operate efficiently; and

(2) adequately serve the citizens doing business with the court.

(b) This subsection applies after December 31, 2011. The county auditor shall provide clerks for the small claims court sufficient to:

(1) operate efficiently; and

(2) adequately serve the citizens doing business with the court.

SECTION 45. IC 33-34-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 4. (a) The voters of each township having a small claims court shall elect a constable for the small claims court at the general election every four (4) years for a term of office of four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified. The ballot must state the:

(1) name of the candidate; and

(2) court for which the candidate is to serve.

(b) Each small claims court shall have a constable who:

(1) acts as the bailiff of the court;

(2) serves the court's personal service of process;

(3) has police powers to:

(A) make arrests **under a court order or to maintain order in the court;**

(B) keep the peace **in the court during court proceedings;** and

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- (C) carry out the orders of the court;
- (4) must meet the qualifications prescribed by IC 3-8-1-31;
- (5) is compensated for each process that is delivered to effect personal service when serving as the bailiff for the court;
- (6) is responsible for:
 - (A) the preparation and mailing of all registered or certified service and is compensated for each process served by mail; and
 - (B) all the official acts of the deputies;
- (7) is compensated solely from the service of process fees collected under IC 33-34-8-1; ~~and~~
- (8) may require a deputy to give a bond for the proper discharge of the deputy's duties for an amount fixed by the constable;
- (9) must file an annual statement of economic interest under IC 33-23-11-14; and**
- (10) must satisfy the training requirements prescribed in section 5 of this chapter.**

(c) The elected constable may appoint full-time and part-time deputies for assistance in the performance of official duties who:

- (1) perform all the official duties required to be performed by the constable;
- (2) possess the same statutory ~~and common law~~ powers ~~and authority~~ as the constable;
- (3) must take the same oath required of the constable;
- (4) are compensated solely from the service of process fees collected under IC 33-34-8-1; ~~and~~
- (5) serve at the pleasure of the constable and may be dismissed at any time with or without cause;
- (6) if the deputy is a full-time deputy, must file an annual statement of economic interest under IC 33-23-11-14; and**
- (7) must satisfy the training requirements prescribed in section 5 of this chapter.**

(d) If there is an:

- (1) emergency; or
- (2) inability of a constable to carry out the constable's duties;

the judge may appoint a special constable to carry out the duties of the constable during the emergency or inability.

SECTION 46. IC 33-34-6-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 5. (a) Each constable must successfully complete the training course offered under section 6(a) of this chapter within six (6) months after taking office.**

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(b) Each deputy constable must successfully complete the training course offered under section 6(a) of this chapter within six (6) months after becoming a deputy constable.

(c) Each constable and each deputy constable must successfully complete the annual training course offered under section 6(b) of this chapter each year after the year in which the constable or deputy constable received the training required by section 6(a) of this chapter.

(d) After a constable or deputy constable has:

(1) successfully completed the training course as required under subsection (a) or (b); and

(2) successfully completed the annual training course as required under subsection (c);

the law enforcement training board established by IC 5-2-1-3 shall provide a badge to the constable or deputy constable.

(e) The law enforcement training board established by IC 5-2-1-3 shall keep a log of all constables and deputy constables who have been trained and who have received badges to indicate successful training.

(f) If a constable or deputy constable fails to successfully complete the training required by this chapter, the constable or deputy constable is prohibited from wearing or otherwise displaying a badge or other regalia to give the impression of police powers and shall, within thirty (30) days of receiving notice of failure from the law enforcement training board established by IC 5-2-1-3, return any badge or other such regalia to the law enforcement training board.

SECTION 47. IC 33-34-6-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 6. (a) The law enforcement training board established by IC 5-2-1-3 shall create and offer a training course for constables and deputy constables. The training course must include at least forty (40) hours of instruction, with one (1) of those forty (40) hours addressing ethics.

(b) The law enforcement training board established by IC 5-2-1-3 shall create and offer an annual training course for constables and deputy constables. The annual training course must include at least seven (7) hours of instruction, with one (1) of those seven (7) hours addressing ethics.

SECTION 48. IC 33-34-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. The judge of the circuit court, with the assistance of the clerk of the circuit court, the

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judges of the small claims courts, and the state board of accounts, shall, at the expense of the townships **(before January 1, 2012) and the county (after December 31, 2011):**

- (1) provide the forms, blanks, court calendar books, judgment dockets, and fee books; and
- (2) make rules and instructions to direct the judges in keeping records and making reports.

The clerk of the circuit court shall keep full and permanent records and reports of each judge's past and current proceedings, indexed and available for reference as a public record.

SECTION 49. IC 33-34-8-1, AS AMENDED BY P.L.176-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. (a) The following fees and costs apply to cases in the small claims court:

(1) A:

- (A) township docket fee of five dollars (\$5) (before January 1, 2012); or**
- (B) docket fee of five dollars (\$5) (after December 31, 2011);**

plus forty-five percent (45%) of the infraction or ordinance violation costs fee under IC 33-37-4-2.

(2) The:

- (A) bailiff's service of process by registered or certified mail fee (before January 1, 2012); or**
- (B) service of process by registered or certified mail fee (after December 31, 2011);**

of thirteen dollars (\$13) for each service.

(3) The cost for the personal service of process by the bailiff **(before January 1, 2012)** or other process server of thirteen dollars (\$13) for each service.

(4) Witness fees, if any, in the amount provided by IC 33-37-10-3 to be taxed and charged in the circuit court.

(5) A redocketing fee, if any, of five dollars (\$5).

(6) A document storage fee under IC 33-37-5-20.

(7) An automated record keeping fee under IC 33-37-5-21.

(8) A late fee, if any, under IC 33-37-5-22.

(9) A public defense administration fee under IC 33-37-5-21.2.

(10) A judicial insurance adjustment fee under IC 33-37-5-25.

(11) A judicial salaries fee under IC 33-37-5-26.

(12) A court administration fee under IC 33-37-5-27.

The docket fee and the cost for the initial service of process shall be paid at the institution of a case. The cost of service after the initial

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1 service shall be assessed and paid after service has been made. The
 2 cost of witness fees shall be paid before the witnesses are called.

3 (b) If the amount of the township docket fee **(before January 1,**
 4 **2012) or docket fee (after December 31, 2011)** computed under
 5 subsection (a)(1) is not equal to a whole number, the amount shall be
 6 rounded to the next highest whole number.

7 SECTION 50. IC 33-34-8-3, AS AMENDED BY P.L.182-2009(ss),
 8 SECTION 391, IS AMENDED TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2010]: Sec. 3. (a) Payment for all costs made as
 10 a result of proceedings in a small claims court shall be to the _____
 11 Township of Marion County Small Claims Court (with the name of the
 12 township inserted). The court shall issue a receipt for all money
 13 received on a form numbered serially in duplicate. All township docket
 14 fees **(before January 1, 2012) or docket fees (after December 31,**
 15 **2011)** and late fees received by the court shall be paid to the township
 16 trustee **(before January 1, 2012) or controller of the consolidated**
 17 **city (after December 31, 2011)** at the close of each month.

18 (b) The court **(before January 1, 2012) or the controller (after**
 19 **December 31, 2011)** shall:

20 (1) semiannually distribute to the auditor of state:

21 (A) all automated record keeping fees (IC 33-37-5-21)
 22 received by the court for deposit in the homeowner protection
 23 unit account established by IC 4-6-12-9 and the state user fee
 24 fund established under IC 33-37-9;

25 (B) all public defense administration fees collected by the
 26 court under IC 33-37-5-21.2 for deposit in the state general
 27 fund;

28 (C) sixty percent (60%) of all court administration fees
 29 collected by the court under IC 33-37-5-27 for deposit in the
 30 state general fund;

31 (D) all judicial insurance adjustment fees collected by the
 32 court under IC 33-37-5-25 for deposit in the judicial branch
 33 insurance adjustment account established by IC 33-38-5-8.2;
 34 and

35 (E) seventy-five percent (75%) of all judicial salaries fees
 36 collected by the court under IC 33-37-5-26 for deposit in the
 37 state general fund; and

38 (2) distribute monthly to the county auditor all document storage
 39 fees received by the court.

40 The remaining twenty-five percent (25%) of the judicial salaries fees
 41 described in subdivision (1)(E) shall, **before January 1, 2012**, be
 42 deposited monthly in the township general fund of the township in

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which the court is located **and shall, after December 31, 2011, be deposited in the county general fund and credited to the small claims court account described in section 5 of this chapter.** The county auditor shall deposit fees distributed under subdivision (2) into the clerk's record perpetuation fund under IC 33-37-5-2.

(c) **Before January 1, 2012,** the court semiannually shall pay to the township trustee of the township in which the court is located the remaining forty percent (40%) of the court administration fees described under subsection (b)(1)(C) to fund the operations of the small claims court in the trustee's township. **After December 31, 2011, the remaining forty percent (40%) of the court administration fees described under subsection (b)(1)(C) shall be:**

(1) **deposited in the county general fund and credited to the small claims court account described in section 5 of this chapter; and**

(2) **used by the county to fund the operations of the small claims court.**

SECTION 51. IC 33-34-8-5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2010]: **Sec. 5. (a) This section applies after December 31, 2011.**

(b) Fees and costs paid and collected under sections 1 and 3 of this chapter shall be deposited in the county general fund and credited to a separate account identified as the small claims court account.

SECTION 52. IC 34-30-2-58, AS AMENDED BY P.L.2-2008, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 58. IC 15-16-8-4 (Concerning township trustees, county officials in a county having a consolidated city, or persons hired by them for the removal of detrimental plants upon another person's real property).**

SECTION 53. IC 36-1-8-17 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE UPON PASSAGE]: **Sec. 17. (a) This section applies only to townships in a county having a consolidated city.**

(b) Not later than thirty (30) days after this section is enacted into law, the department of local government finance shall determine whether the balance in each fund (other than a debt service fund) of a township described in subsection (a) is in excess of the amount needed by the township to carry out the purposes of the fund. In making the determination of whether there is an excess balance in a fund, the department of local government finance shall consider the balance in the fund relative to:

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- (1) the current and past budgeted expenditures from the fund;
- (2) the fund balance that must be maintained by the township on account of actual or anticipated delayed property tax billing, collection, or distribution;
- (3) the amount of tax anticipation notes or warrants or other obligations incurred by the township on account of delayed property tax billing, collection, or distribution; and
- (4) the anticipated effects on the township from the application of the circuit breaker credits under IC 6-1.1-20.6.

(c) Not later than thirty (30) days after the department of local government finance makes a determination under subsection (b) concerning a particular township fund, the township executive shall transfer ninety percent (90%) of the excess amounts (as determined by the department of local government finance) from that township fund to the county treasurer. The determination by the department of local government finance under this section is final and is not actionable by a township. However, the consolidated city may file an action seeking a court order to enforce this section.

(d) The county treasurer shall deposit any excess amounts transferred from a township under this section into a dedicated fund to be used for infrastructure in that township as provided in subsection (e). The fund shall be designated as the _____ (insert name of township) infrastructure fund. Each township infrastructure fund shall be administered by the controller of the consolidated city, and the expenses of administering the fund shall be paid from money in the fund. Money in a township infrastructure fund that is not currently needed to meet the obligations of the fund may be invested in the same manner as other public funds may be invested. Interest that accrues from these investments of money in a township infrastructure fund shall be deposited in the fund. Money in a township infrastructure fund at the end of a particular fiscal year does not revert to the county general fund.

(e) Money in a township infrastructure fund may be used by the county, upon appropriation by the county fiscal body, only for acquiring, constructing, improving, or maintaining infrastructure (including sewerlines, waterlines, streets, roads, alleys, sidewalks, curbs, bridges, parking facilities, drains, flood control facilities, parks and other recreational facilities, street lights, electric signals, and any other infrastructure) within the township from which the money was transferred.

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SECTION 54. IC 36-3-1-6.1, AS AMENDED BY P.L.1-2006, SECTION 560, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 6.1. (a) ~~This section applies only in a county containing a consolidated city. If the requirements of subsection (g) are satisfied, The following~~ fire departments of the ~~following~~ are consolidated into the fire department of a the consolidated city (referred to as "the consolidated fire department") on **January 1, 2013:**

(1) ~~The fire department of~~ a township for which the consolidation is approved by the township legislative body and trustee and the legislative body and mayor of the ~~located in the county containing the consolidated city, regardless of whether the fire department is operated by the township or by another political subdivision.~~

(2) ~~The fire department of~~ any fire protection territory established under IC 36-8-19 that is located in a township described in subdivision (1).

(b) ~~If the requirements of subsection (g) are satisfied, After December 31, 2012,~~ the consolidated fire department shall provide fire protection services within an entity described in subsection (a)(1) or (a)(2) in which the requirements of subsection (g) are satisfied on the date agreed to in the resolution of the township legislative body and the ordinance of the legislative body of the consolidated city: ~~the county (excluding any excluded city not consolidated under section 6.3 of this chapter).~~

(c) ~~If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of the consolidated city, All of the property, equipment, records, rights, and contracts of the each department consolidated into the fire department of the consolidated city are:~~

(1) transferred to; or

(2) assumed by;

the consolidated city on the effective date of the consolidation. However, real property other than real property used as a fire station may be transferred only on terms mutually agreed to by the legislative body and mayor of the consolidated city and the trustee and legislative body of the township in which that real property is located. ~~Any funds that are transferred under this subsection to the consolidated city and that represent balances in a cumulative building and equipment fund for fire protection and related services established under IC 36-8-14 shall be deposited in the consolidated city's cumulative building and equipment fund for fire protection and~~

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related services and shall be used by the consolidated city for funding land, buildings, and equipment for fire protection and emergency medical services as provided under IC 36-8-14.

(d) If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of the consolidated city, The employees of the a fire department listed in subsection (a) that is consolidated into the fire department of the consolidated city cease employment with the department of the entity listed in subsection (a) and become employees of the consolidated fire department on the effective date of the consolidation. The consolidated city shall assume all agreements with labor organizations that:

- (1) are in effect on the effective date of the consolidation; and
- (2) apply to employees of the department consolidated into the fire department of the consolidated city who become employees of the consolidated fire department.

(e) If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of a consolidated city, the Indebtedness related to fire protection services incurred before the effective date of the consolidation by the an entity whose fire department is consolidated into the consolidated fire department under subsection (a), or a building, holding, or leasing corporation on behalf of the entity, whose fire department is consolidated into the consolidated fire department under subsection (a) shall remain the debt of the entity and does not become and may not be assumed, defeased, paid, or refunded by the consolidated city. Indebtedness related to fire protection services that is incurred by the consolidated city before the effective date of the consolidation shall remain the debt of the consolidated city and property taxes levied to pay the debt may only be levied by the fire special service district.

(f) Notwithstanding any other law, to assume, defease, pay, or refund all or part of an indebtedness described in subsection (e), the consolidated city is not required to comply with any other statutory procedures or approvals that apply when a unit incurs indebtedness.

(g) Notwithstanding subsections (e) and (f), the consolidated city may not assume all or a part of an indebtedness described in subsection (e) that will exceed the limitations on the amount of indebtedness that the consolidated city may incur.

(h) The rights of trustees and bondholders with respect to any:

- (1) bonds or other indebtedness described in subsection (e); or

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(2) bond resolution, trust agreement or indenture, security agreement, purchase agreement, or other undertaking with respect to indebtedness described in subsection (e); remain the same, although the powers, duties, agreements, and liabilities of the entities listed in subsection (a) have been transferred to the consolidated city, and the consolidated city shall be considered to have assumed all those powers, duties, agreements, and liabilities.

(f) If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of a consolidated city; (i) The merit board and the merit system of the each fire department that is consolidated into the fire department of the consolidated city are dissolved on the effective date of the consolidation, and the duties of the merit board are transferred to and assumed by the merit board for the consolidated fire department on the effective date of the consolidation.

(g) A township legislative body, after approval by the township trustee, may adopt a resolution approving the consolidation of the township's fire department with the fire department of the consolidated city. A township legislative body may adopt a resolution under this subsection only after the township legislative body has held a public hearing concerning the proposed consolidation. The township legislative body shall hold the hearing not earlier than thirty (30) days after the date the resolution is introduced. The hearing shall be conducted in accordance with IC 5-14-1.5 and notice of the hearing shall be published in accordance with IC 5-3-1. If the township legislative body has adopted a resolution under this subsection, the township legislative body shall, after approval from the township trustee, forward the resolution to the legislative body of the consolidated city. If such a resolution is forwarded to the legislative body of the consolidated city and the legislative body of the consolidated city adopts an ordinance, approved by the mayor of the consolidated city, approving the consolidation of the fire department of the township into the fire department of the consolidated city, the requirements of this subsection are satisfied. The consolidation shall take effect on the date agreed to by the township legislative body in its resolution and by the legislative body of the consolidated city in its ordinance approving the consolidation.

(h) (j) The following apply if the requirements of subsection (g) are satisfied: after a fire department listed in subsection (a) is consolidated into the fire department of the consolidated city:

(1) The consolidation of the fire department of that township is

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effective on the date agreed to by the township legislative body in the resolution and by the legislative body of the consolidated city in its ordinance approving the consolidation.

(2) (1) Notwithstanding any other provision, a firefighter:

(A) who is a member of the 1977 fund before the effective date of a consolidation under this section; and

(B) who, after the consolidation, becomes an employee of the fire department of a consolidated city under this section;

remains a member of the 1977 fund without being required to meet the requirements under IC 36-8-8-19 and IC 36-8-8-21. The firefighter shall receive credit for any service as a member of the 1977 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-8.

(3) (2) Notwithstanding any other provision, a firefighter:

(A) who is a member of the 1937 fund before the effective date of a consolidation under this section; and

(B) who, after the consolidation, becomes an employee of the fire department of a consolidated city under this section;

remains a member of the 1937 fund. The firefighter shall receive credit for any service as a member of the 1937 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-7.

(4) (3) For property taxes first due and payable in the first calendar year in which property taxes are first due and payable based on the consolidation, is effective, the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5 for:

(A) is increased for the consolidated city; by an amount equal to the maximum permissible ad valorem property tax levy in the year preceding the year in which the consolidation is effective for fire protection and related services by the township whose fire department is consolidated into the fire department of the consolidated city under this section; and

(B) is reduced for the township entity whose fire department is consolidated into the fire department of the consolidated city under this section; by the amount equal to the maximum permissible ad valorem property tax levy in the year preceding the year in which the consolidation is effective for fire protection and related services for the township.

is determined under IC 6-1.1-18.5-22.

(5) (4) The amount levied in the year preceding the year in which the consolidation is effective by the township whose fire department is consolidated into the fire department of the

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consolidated city for **balance in** the township's cumulative building and equipment fund for fire protection and related **services of a township whose fire department is consolidated into the fire department of the consolidated city** is transferred on the effective date of the consolidation to the consolidated city's cumulative building and equipment fund for fire protection and related services, which is hereby established. The consolidated city is exempted from the requirements of IC 36-8-14 and ~~IC 6-1.1-41~~ regarding establishment of the cumulative building and equipment fund for fire protection and related services. **as provided in subsection (c).**

~~(6)~~ **(5)** The local boards for the 1937 firefighters' pension fund and the 1977 police officers' and firefighters' pension and disability fund of ~~the township~~ **an entity whose fire department is consolidated into the fire department of the consolidated city** are dissolved, and their services are terminated not later than the effective date of the consolidation. The duties performed by the local boards under IC 36-8-7 and IC 36-8-8, respectively, are assumed by the consolidated city's local board for the 1937 firefighters' pension fund and local board for the 1977 police officers' and firefighters' pension and disability fund, respectively. Notwithstanding any other provision, the legislative body of the consolidated city may adopt an ordinance to adjust the membership of the consolidated city's local board to reflect the consolidation.

~~(7)~~ **(6)** The consolidated city may levy property taxes within the consolidated city's maximum permissible ad valorem property tax **levy limit area served by the consolidated fire department** to provide for the payment of the expenses for the operation of the consolidated fire department. ~~However, property taxes to fund the pension obligation under IC 36-8-7 for members of the 1937 firefighters fund who were employees of the consolidated city at the time of the consolidation may be levied only by the fire special service district within the fire special service district. The fire special service district established under IC 36-3-1-6 may levy property taxes to provide for the payment of expenses for the operation of the consolidated fire department within the territory of the fire special service district. Property taxes to fund the pension obligation under IC 36-8-8 for members of the 1977 police officers' and firefighters' pension and disability fund who were members of the fire department of the consolidated city on the effective date of the consolidation may be levied only by the~~

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fire special service district within the fire special service district. Property taxes to fund the pension obligation for members of the 1937 firefighters fund who were not members of the fire department of the consolidated city on the effective date of the consolidation and members of the 1977 police officers' and firefighters' pension and disability fund who were not members of the fire department of the consolidated city on the effective date of the consolidation may be levied by the consolidated city within the city's maximum permissible ad valorem property tax levy. However, these taxes may be levied only within the fire special service district and any townships that have consolidated fire departments under this section.

(8) The executive of the consolidated city shall provide for an independent evaluation and performance audit, due before March 1 of the year in which the consolidation is effective and before March 1 in each of the following two (2) years, to determine:

(A) the amount of any cost savings, operational efficiencies, or improved service levels; and

(B) any tax shifts among taxpayers; that result from the consolidation. The independent evaluation and performance audit must be provided to the legislative council in an electronic format under IC 5-14-6 and to the state budget committee.

SECTION 55. IC 36-3-1-6.2, AS ADDED BY P.L.227-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 6.2. (a) If a ~~consolidated~~ fire department is ~~established~~ **consolidated** under section 6.1 of this chapter, the consolidated city, through the consolidated fire department, shall after the consolidation establish, operate, and maintain emergency ambulance services (as defined in IC 16-18-2-107) in the fire special service district and in those townships in the county that are consolidated under section 6.1 of this chapter.

(b) This section does not prohibit the providing of emergency ambulance services **by contract or** under an interlocal agreement under IC 36-1-7.

SECTION 56. IC 36-3-1-6.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 6.3. (a) **This section applies only in a county having a consolidated city.**

(b) **The legislative body of an excluded city, after approval by the executive of the excluded city, may adopt a resolution approving the consolidation of the excluded city's fire department**

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with the fire department of the consolidated city. The legislative body of an excluded city may adopt a resolution under this subsection only after the legislative body has held a public hearing concerning the proposed consolidation. The legislative body of the excluded city shall hold the hearing not earlier than thirty (30) days after the date the resolution is introduced. The hearing shall be conducted in accordance with IC 5-14-1.5, and notice of the hearing shall be published in accordance with IC 5-3-1. If the legislative body of the excluded city adopts a resolution under this subsection, the legislative body shall, after approval by the executive of the excluded city, forward the resolution to the legislative body of the consolidated city. If such a resolution is forwarded to the legislative body of the consolidated city and the legislative body of the consolidated city adopts an ordinance, approved by the mayor of the consolidated city, approving the consolidation of the fire department of the excluded city into the fire department of the consolidated city, the requirements of this subsection are satisfied.

(c) The following apply if the requirements of subsection (b) are satisfied:

(1) The fire department of the excluded city is consolidated into the fire department of the consolidated city (referred to as "the consolidated fire department"). The consolidation takes effect on the date agreed to by the legislative body of the excluded city in its resolution and by the legislative body of the consolidated city in its ordinance approving the consolidation.

(2) The consolidated fire department shall provide fire protection services within the excluded city on the date agreed to in the resolution of the legislative body of the excluded city and the ordinance of the legislative body of the consolidated city.

(3) All property, equipment, records, rights, and contracts of the fire department of the excluded city are:

(A) transferred to; or

(B) assumed by;

the consolidated city on the effective date of the consolidation. However, real property other than real property used as a fire station may be transferred only on terms mutually agreed to by the legislative body and mayor of the consolidated city and the executive and legislative body of the excluded city in which that real property is located.

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(4) The employees of the fire department of the excluded city cease employment with the fire department of the excluded city and become employees of the consolidated fire department on the effective date of the consolidation.

(5) The indebtedness of the fire department of the excluded city related to fire protection services incurred before the effective date of the consolidation by the entity or a building, holding, or leasing corporation on behalf of the fire department of the excluded city remains the debt of the entity and is not and may not be assumed by the consolidated city. Indebtedness related to fire protection services incurred by the consolidated city before the effective date of the consolidation remains the debt of the consolidated city, and property taxes levied to pay the debt may be levied only by the fire special service district.

(6) The merit board and the merit system of the fire department of the excluded city are dissolved on the effective date of the consolidation, and the duties of the merit board are transferred to and assumed by the merit board for the consolidated fire department on the effective date of the consolidation.

(7) Notwithstanding any other provision, a firefighter:

(A) who is a member of the 1977 fund before the effective date of a consolidation under this section; and

(B) who, after the consolidation, becomes an employee of the consolidated fire department under this section;

remains a member of the 1977 fund without being required to meet the requirements under IC 36-8-8-19 and IC 36-8-8-21. The firefighter shall receive credit for any service as a member of the 1977 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-8.

(8) Notwithstanding any other provision, a firefighter:

(A) who is a member of the 1937 fund before the effective date of a consolidation under this section; and

(B) who, after the consolidation, becomes an employee of the consolidated fire department under this section;

remains a member of the 1937 fund. The firefighter shall receive credit for any service as a member of the 1937 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-7.

(9) For property taxes first due and payable in the year in

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1 which the consolidation is effective, the maximum permissible
2 ad valorem property tax levy under IC 6-1.1-18.5:

3 (A) is increased for the consolidated city by an amount
4 equal to the maximum permissible ad valorem property
5 tax levy in the year preceding the year in which the
6 consolidation is effective for fire protection and related
7 services by the excluded city whose fire department is
8 consolidated into the consolidated fire department under
9 this section; and

10 (B) is reduced for the excluded city whose fire department
11 is consolidated into the consolidated fire department under
12 this section by the amount equal to the maximum
13 permissible ad valorem property tax levy in the year
14 preceding the year in which the consolidation is effective
15 for fire protection and related services for the excluded
16 city.

17 (10) The amount levied in the year preceding the year in
18 which the consolidation is effective by the excluded city whose
19 fire department is consolidated into the consolidated fire
20 department for the excluded city's cumulative building and
21 equipment fund for fire protection and related services is
22 transferred on the effective date of the consolidation to the
23 consolidated city's cumulative building and equipment fund
24 for fire protection and related services, which is hereby
25 established. The consolidated city is exempted from the
26 requirements of IC 6-1.1-41 and IC 36-8-14 regarding
27 establishment of the cumulative building and equipment fund
28 for fire protection and related services.

29 (11) The local boards for the 1937 firefighters' pension fund
30 and the 1977 police officers' and firefighters' pension and
31 disability fund of the excluded city are dissolved, and their
32 services are terminated not later than the effective date of the
33 consolidation. The duties performed by the local boards under
34 IC 36-8-7 and IC 36-8-8 are assumed by the consolidated
35 city's local board for the 1937 firefighters' pension fund and
36 local board for the 1977 police officers' and firefighters'
37 pension and disability fund, respectively. Notwithstanding any
38 other law, the legislative body of the consolidated city may
39 adopt an ordinance to adjust the membership of the
40 consolidated city's local board to reflect the consolidation.

41 (12) The consolidated city may levy property taxes within the
42 consolidated city's maximum permissible ad valorem

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property tax levy limit to provide for the payment of the expenses for the operation of the consolidated fire department.

SECTION 57. IC 36-3-1-6.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.6. (a) It is the policy of the consolidated fire department of the consolidated city and the consolidated law enforcement department of the consolidated city that fire protection services and law enforcement services are best performed by a workforce that represents the community served by those departments.

(b) The executive of the consolidated city shall institute revised procedures to ensure that the hiring and promotional practices of the consolidated fire department and the consolidated law enforcement department of the consolidated city achieve the policy set forth in subsection (a), as permitted by state and federal law. These revised procedures are subject to the review and approval of the legislative body of the consolidated city.

SECTION 58. IC 36-3-5-4, AS AMENDED BY P.L.227-2005, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. (a) The following executive departments of the consolidated city are established, subject to IC 36-3-4-23:

- ~~(1) Department of administration and equal opportunity.~~
- ~~(2) (1) Department of metropolitan development.~~
- ~~(3) (2) Department of public safety.~~
- ~~(4) (3) Department of public works.~~
- ~~(5) Department of transportation.~~
- ~~(6) (4) Department of parks and recreation.~~
- (5) Department of code enforcement.**

These departments and their divisions have all the powers, duties, functions, and obligations prescribed by law for them as of August 31, 1981, subject to IC 36-3-4-23.

(b) The department of public utilities established under IC 8-1-11.1 continues as an agency of the consolidated city, which is the successor trustee of a public charitable trust created under Acts 1929, c. 78. The department of public utilities is governed under IC 8-1-11.1 and is not subject to this article.

(c) Subject to IC 36-3-4-23, the director of the department of code enforcement is the county official for purposes of IC 15-16-8, IC 23-14-64, IC 23-14-68, IC 23-14-70, and IC 32-26-9.

(d) Subject to IC 36-3-4-23, the director of the department of parks and recreation is the county official for purposes of

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IC 36-10-7 and IC 36-10-7.5.

SECTION 59. IC 36-3-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 6. (a) Administrative boards are established in the departments listed in ~~sections~~ **section 4(a)(2), 4(a)(3), 4(a)(4), and 4(a)(5) and 4(a)(6)** of this chapter, to be known respectively as the board of public safety, the board of public works, ~~the board of transportation, and~~ the board of parks and recreation, **and the board of code enforcement**. These boards have all the powers, duties, functions, and obligations prescribed by law for them as of August 31, 1981, subject to IC 36-3-4-23. In addition, the metropolitan development commission, which is established in the department of metropolitan development by IC 36-7-4-202, has all the powers, duties, functions, and obligations prescribed by law for it as of August 31, 1981, subject to IC 36-3-4-23.

(b) Each board established under this section is composed of five (5) members as follows:

- (1) The director of its department, who serves as presiding officer of the board.
- (2) Two (2) members appointed by the executive.
- (3) Two (2) members appointed by the city-county legislative body.

A member appointed under subdivision (2) or (3) is appointed for a term of one (1) year and until his successor is appointed and qualified, but serves at the pleasure of the appointing authority.

SECTION 60. IC 36-3-6-9, AS AMENDED BY P.L.182-2009(ss), SECTION 401, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 9. (a) Except as provided in subsection (d), the city-county legislative body shall review the proposed operating and maintenance budgets and tax levies and adopt final operating and maintenance budgets and tax levies for each of the following entities in the county:

- (1) An airport authority operating under IC 8-22-3.
- (2) A public library operating under IC 36-12.
- (3) A capital improvement board of managers operating under IC 36-10.
- (4) A public transportation corporation operating under IC 36-9-4.
- (5) A health and hospital corporation established under IC 16-22-8.
- (6) A building authority established under IC 36-9-13.**
- ~~(6)~~ **(7)** Any other taxing unit (as defined in IC 6-1.1-1-21) that is located in the county and has a governing body that is not comprised of a majority of officials who are elected to serve on

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the governing body.

Except as provided in subsection (c), the city-county legislative body may reduce or modify but not increase a proposed operating and maintenance budget or tax levy under this section.

(b) The board of each entity listed in subsection (a) shall, after adoption of its proposed budget and tax levies, submit them, along with detailed accounts, to the city clerk before the first day of September of each year.

(c) The city-county legislative body or, when subsection (d) applies, the fiscal body of an excluded city or town shall review the issuance of bonds of an entity listed in subsection (a). Approval of the city-county legislative body or, when subsection (d) applies, the fiscal body of an excluded city or town is required for the issuance of bonds. The city-county legislative body or the fiscal body of an excluded city or town may not reduce or modify a budget or tax levy of an entity listed in subsection (a) in a manner that would:

(1) limit or restrict the rights vested in the entity to fulfill the terms of any agreement made with the holders of the entity's bonds; or

(2) in any way impair the rights or remedies of the holders of the entity's bonds.

(d) If the assessed valuation of a taxing unit is entirely contained within an excluded city or town (as described in IC 36-3-1-7) that is located in a county having a consolidated city, the governing body of the taxing unit shall submit its proposed operating and maintenance budget and tax levies to the city or town fiscal body for approval and not the city-county legislative body. Except as provided in subsection (c), the fiscal body of the excluded city or town may reduce or modify but not increase a proposed operating and maintenance budget or tax levy under this section.

SECTION 61. IC 36-3-7-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 6. Notwithstanding any other law, the consolidated city may issue after December 31, 2012, obligations to refund obligations issued before the effective date of a consolidation under IC 36-3-1-6.1 in the name of:**

(1) a township;

(2) a fire protection territory; or

(3) a building, holding, or leasing corporation on behalf of a township or a fire protection territory;

to satisfy the requirements of IC 36-3-1-6.1(e), IC 36-3-1-6.1(f), and IC 36-3-1-6.1(g) (as those subsections are effective after December

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31, 2012).

SECTION 62. IC 36-6-1.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]:

Chapter 1.1. Dissolution of Township Governments in Marion County

Sec. 1. This chapter applies only to a county having a consolidated city.

Sec. 2. Effective January 1, 2013, all township governments in the county are abolished, and the duties and powers of the township governments are transferred under section 3 of this chapter. Each township retains its geographical boundaries and its name.

Sec. 3. Notwithstanding this article or any other law, the following occur on January 1, 2013:

(1) Each office of township trustee is abolished.

(2) Each township board is abolished.

(3) The functions, duties, and responsibilities of:

(A) the township trustee; and

(B) the township board;

of each township are transferred to the executive, unless otherwise expressly provided by statute.

Sec. 4. The following shall occur:

(1) Beginning July 1, 2010, a designee of the executive shall meet at least every other month with each township trustee to effectuate the proper transition of the duties, obligations, and responsibilities of the trustees to the executive. The designee shall prepare and maintain a report regarding the transition, and the report shall be made available to the public upon request. In 2010, planning must focus on the township's responsibilities relating to cemeteries, high weeds and grass, detrimental plants, and parks. In 2011, planning must focus on the township's responsibilities relating to small claims courts. In 2012, planning must focus on the township's responsibilities relating to township fire services (if such services are not yet consolidated into the consolidated fire department) and any other remaining duties except township assistance.

(2) Beginning January 1, 2011, a designee of the health and hospital corporation shall meet at least monthly with each township trustee to effectuate the proper transition of the duties, obligations, and responsibilities of the trustees relating

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to township assistance. The designee shall prepare and maintain a report regarding the transition, and the report shall be made available to the public upon request.

(3) Beginning January 1, 2011, a designee of the county auditor shall meet at least every other month with each township trustee to effectuate the proper transition of the duties, obligations, and responsibilities of the trustees relating to small claims courts to the county auditor. The designee shall prepare and maintain a report regarding the transition, and the report shall be made available to the public upon request.

Sec. 5. On January 1, 2013, all:

- (1) assets;
- (2) debts;
- (3) property rights;
- (4) equipment;
- (5) records;
- (6) personnel; and
- (7) contracts;

connected with the operations of a township are transferred to the executive.

Sec. 6. The balance on January 1, 2013, in a debt service fund of a township:

- (1) is transferred to the county in which the township is located; and
- (2) shall be used by the county to pay indebtedness or lease rentals for which the fund was established.

Any balance remaining in the fund after all payments for indebtedness or lease rentals required under this section have been made is transferred to the county general fund.

Sec. 7. (a) On January 1, 2013, the balance in a township's general fund attributable to the duties of the township trustee under IC 36-6-4-3, other than the duties concerning fire protection transferred under IC 36-3-1-6.1, is transferred to the executive.

(b) The department of local government finance shall determine the amounts to be transferred under subsection (a).

(c) IC 36-1-8-5 does not apply to a balance referred to in subsection (a).

Sec. 8. (a) The balance in a township's township assistance fund attributable to the duties of the township trustee on January 1, 2013:

- (1) is transferred to the county; and

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(2) shall be deposited in the township assistance fund established under IC 12-20-1-6.

(b) The department of local government finance shall determine the amounts to be transferred under this section.

(c) IC 36-1-8-5 does not apply to a balance referred to in this section.

Sec. 9. Notwithstanding any other law, the term of each township trustee and township board member elected at the November 2010 election expires January 1, 2013.

Sec. 10. Effective January 1, 2011, the operations of the township constable shall be accounted for in the county budget.

Sec. 11. The department of local government finance shall increase the county's maximum permissible property tax levy for taxes first due and payable in 2013 by an amount equal to the total combined maximum permissible property tax levies for all townships in the county for property taxes first due and payable in 2012 (excluding any township property taxes considered in making an adjustment to the maximum permissible property tax levy of the consolidated city under IC 6-1.1-18.5-22).

SECTION 63. IC 36-6-1.2 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]:

Chapter 1.2. Transfer of Township Fire Services

Sec. 1. This chapter applies:

- (1) only to a consolidated city; and
- (2) only after December 31, 2012.

Sec. 2. The functions, duties, and responsibilities of the township trustee and township board with respect to providing fire protection and related services are transferred to the consolidated city on January 1, 2013.

Sec. 3. The balance on January 1, 2013, in a debt service fund of a township that relates to debt incurred for firefighting purposes:

- (1) is transferred to the consolidated city in which the township is located; and
- (2) shall be used by the consolidated city to pay indebtedness or lease rentals for which the fund was established.

Any balance remaining in the fund after all payments for indebtedness or lease rentals required under this section have been made is transferred to the county general fund.

Sec. 4. (a) The balance on January 1, 2013, in a township's firefighting fund:

- (1) is transferred to the consolidated city; and

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(2) shall be deposited in the fire general fund of the consolidated city.

(b) The department of local government finance shall determine the amounts to be transferred under this section.

(c) IC 36-1-8-5 does not apply to a balance referred to in this section.

Sec. 5. The maximum permissible ad valorem property tax levy of the township, the consolidated city, and the county is adjusted under IC 6-1.1-18.5-22 to reflect the transfers under this chapter.

SECTION 64. IC 36-6-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 8. (a) The executive may use the township's share of state, county, and township tax revenues and federal revenue sharing funds for all categories of community services, if these funds are appropriated for these services by the township legislative body. The executive may use these funds for both operating and capital expenditures.

(b) With the consent of the township legislative body, the executive may contract with corporations for health and community services not specifically provided by another governmental entity.

(c) **This subsection does not apply after December 31, 2012, to a township in a consolidated city.** The executive may contract with a private person to provide regular or emergency ambulance service within the township. The contract may provide for the imposition and collection of fees for this service.

(d) **This subsection does not apply after December 31, 2012, to a township in a consolidated city.** The township legislative body may adopt a resolution to provide for the imposition and collection of fees for ambulance services provided by the township police or fire department.

SECTION 65. IC 36-6-6-2, AS AMENDED BY P.L.240-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. (a) Except as provided in subsection (b) and section 2.1 of this chapter, a three (3) member township board shall be elected under IC 3-10-2-13 by the voters of each township.

(b) **This subsection expires January 1, 2013.** The township board in a county containing a consolidated city shall consist of seven (7) members elected under IC 3-10-2-13 by the voters of each township.

(c) The township board is the township legislative body.

(d) The term of office of a township board member is four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified.

SECTION 66. IC 36-6-6-2.2 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2.2. (a) **This**
 2 **subsection expires January 1, 2013.** This subsection applies to
 3 townships in a county containing a consolidated city. The voters of
 4 each legislative body district established under section 2.5 of this
 5 chapter shall elect one (1) member of the township board.

6 (b) This subsection applies to townships not included in subsection
 7 (a). The voters of each township shall elect all the members of the
 8 township board.

9 SECTION 67. IC 36-6-6-3, AS AMENDED BY P.L.240-2005,
 10 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2010]: Sec. 3. (a) **This subsection expires January 1, 2013.**
 12 This subsection applies to townships in a county containing a
 13 consolidated city. One (1) member of the legislative body must reside
 14 within each legislative body district. If a member of the legislative body
 15 ceases to be a resident of the district from which the member was
 16 elected, the office becomes vacant.

17 (b) This subsection applies to townships not included in subsection
 18 (a) or (c). A member of the legislative body must reside within the
 19 township as provided in Article 6, Section 6 of the Constitution of the
 20 State of Indiana. If a member of the legislative body ceases to be a
 21 resident of the township, the office becomes vacant.

22 (c) This subsection applies to a township government that:

23 (1) is created by a merger of township governments under
 24 IC 36-6-1.5; and

25 (2) elects a township board under section 2.1 of this chapter.

26 One (1) member of the legislative body must reside within the
 27 boundaries of each of the former townships that merged. If a member
 28 of the legislative body ceases to be a resident of that former township,
 29 the office becomes vacant.

30 SECTION 68. IC 36-6-6-4, AS AMENDED BY P.L.240-2005,
 31 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2010]: Sec. 4. (a) Except as provided in subsections (b) and
 33 (c), two (2) members of the legislative body constitute a quorum.

34 (b) **This subsection expires January 1, 2013.** Four (4) members of
 35 the legislative body in a county containing a consolidated city
 36 constitute a quorum.

37 (c) This subsection applies to a township government that:

38 (1) is created by a merger of township governments under
 39 IC 36-6-1.5; and

40 (2) elects a township board under section 2.1 of this chapter.

41 A majority of the members of the legislative body constitute a quorum.
 42 If a township board has an even number of members, the township

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executive shall serve as an ex officio member of the township board for the purpose of casting the deciding vote to break a tie.

SECTION 69. IC 36-8-4-2, AS AMENDED BY P.L.65-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. (a) Members of the police and fire departments must reside in Indiana within:

- (1) the county in which the city is located; or
- (2) a county that is contiguous to the county in which the city is located.

(b) ~~In This section does not apply to a consolidated city. a member who was residing outside the county on January 1, 1975, is exempt from subsection (a).~~

(c) A city with a population of less than seven thousand five hundred (7,500) may adopt an ordinance that requires a member of the city's police or fire department to comply with the following:

- (1) Reside within the county in which the city is located.
- (2) Have adequate means of transportation into the city.
- (3) Maintain in the member's residence telephone service with the city.

(d) This subsection applies to a city that:

- (1) has a population of less than seven thousand five hundred (7,500); and
- (2) adopted an ordinance to establish the requirements described in this subsection before September 1, 1984.

A city may require, in addition to the requirements of subsection (c), that a member of the police or fire department reside within the city until the member has served in the department for five (5) years.

(e) An ordinance adopted under subsection (c) or described in subsection (d)(2) may not require a member of a city's police or fire department to reside within the county in which the city is located if the member resides outside the county on the date the ordinance is adopted.

SECTION 70. IC 36-8-4-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2.5. (a) **This section applies only to a consolidated city.**

(b) **An individual who becomes a member of the police department or fire department of the consolidated city after June 30, 2010, must reside within the county having the consolidated city.**

(c) **An individual who became a member of the police department or fire department of the consolidated city before July**

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1, 2010, must reside within:

(1) the county having the consolidated city; or

(2) a county contiguous to the county having the consolidated city.

(d) Notwithstanding subsection (c), a member of the police department or fire department who resided outside the county on January 1, 1975, is exempt from the requirements of this section.

(e) An individual who was a member of a township fire department and becomes a member of the fire department of the consolidated city through a merger of the township fire department into the fire department of the consolidated city is not subject to the requirements of subsection (b).

SECTION 71. IC 36-8-8-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2.1. (a) As used in this chapter, "local board" means the following:

(1) For a unit that established a 1925 fund for its police officers, the local board described in IC 36-8-6-2.

(2) **Except as provided in subdivision (3)**, for a unit that established a 1937 fund for its firefighters, the local board described in IC 36-8-7-3.

(3) For a unit that established a 1937 fund for its firefighters and consolidates its fire department into the fire department of a consolidated city under IC 36-3-1-6.1:

(A) before the effective date of the consolidation, the local board described in IC 36-8-7-3; and

(B) on and after the effective date of the consolidation, the local board of the consolidated city established under IC 36-8-7-3.

~~(3)~~ **(4)** For a consolidated city that established a 1953 fund for its police officers, the local board described in IC 36-8-7.5-2.

~~(4)~~ **(5)** For a unit, other than a consolidated city, that did not establish a 1925 fund for its police officers or a 1937 fund for its firefighters, the local board described in subsection (b) or (c).

(b) If a unit did not establish a 1925 fund for its police officers, a local board shall be composed in the same manner described in IC 36-8-6-2(b). However, if there is not a retired member of the department, no one shall be appointed to that position until such time as there is a retired member.

(c) **Except as provided in subsection (d)**, if a unit did not establish a 1937 fund for its firefighters, a local board shall be composed in the same manner described in IC 36-8-7-3(b). However, if there is not a retired member of the department, no one shall be appointed to that

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position until such time as there is a retired member.

(d) If a unit located in a county having a consolidated city did not establish a 1937 fund for its firefighters and consolidates its fire department into the fire department of the consolidated city under IC 36-3-1-6.1, the local board is:

(1) before the effective date of the consolidation, the local board described in IC 36-8-7-3; and

(2) on and after the effective date of the consolidation, the local board of the consolidated city established under IC 36-8-7-3.

SECTION 72. IC 36-8-8-7, AS AMENDED BY P.L.1-2006, SECTION 575, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 7. (a) Except as provided in subsections (d), (e), (f), (g), (h), (k), (l), and (m):

(1) a police officer; or

(2) a firefighter;

who is less than thirty-six (36) years of age and who passes the baseline statewide physical and mental examinations required under section 19 of this chapter shall be a member of the 1977 fund and is not a member of the 1925 fund, the 1937 fund, or the 1953 fund.

(b) A police officer or firefighter with service before May 1, 1977, who is hired or rehired after April 30, 1977, may receive credit under this chapter for service as a police officer or firefighter prior to entry into the 1977 fund if the employer who rehires the police officer or firefighter chooses to contribute to the 1977 fund the amount necessary to amortize the police officer's or firefighter's prior service liability over a period of not more than forty (40) years, the amount and the period to be determined by the PERF board. If the employer chooses to make the contributions, the police officer or firefighter is entitled to receive credit for the police officer's or firefighter's prior years of service without making contributions to the 1977 fund for that prior service. In no event may a police officer or firefighter receive credit for prior years of service if the police officer or firefighter is receiving a benefit or is entitled to receive a benefit in the future from any other public pension plan with respect to the prior years of service.

(c) Except as provided in section 18 of this chapter, a police officer or firefighter is entitled to credit for all years of service after April 30, 1977, with the police or fire department of an employer covered by this chapter.

(d) A police officer or firefighter with twenty (20) years of service does not become a member of the 1977 fund and is not covered by this chapter, if the police officer or firefighter:

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- (1) was hired before May 1, 1977;
- (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981); and
- (3) is rehired after April 30, 1977, by the same employer.

(e) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the police officer or firefighter:

- (1) was hired before May 1, 1977;
- (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);
- (3) was rehired after April 30, 1977, but before February 1, 1979; and
- (4) was made, before February 1, 1979, a member of a 1925, 1937, or 1953 fund.

(f) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the police officer or firefighter:

- (1) was hired by the police or fire department of a unit before May 1, 1977;
- (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);
- (3) is rehired by the police or fire department of another unit after December 31, 1981; and
- (4) is made, by the fiscal body of the other unit after December 31, 1981, a member of a 1925, 1937, or 1953 fund of the other unit.

If the police officer or firefighter is made a member of a 1925, 1937, or 1953 fund, the police officer or firefighter is entitled to receive credit for all the police officer's or firefighter's years of service, including years before January 1, 1982.

(g) As used in this subsection, "emergency medical services" and "emergency medical technician" have the meanings set forth in IC 16-18-2-110 and IC 16-18-2-112. A firefighter who:

- (1) is employed by a unit that is participating in the 1977 fund;
- (2) was employed as an emergency medical technician by a political subdivision wholly or partially within the department's jurisdiction;
- (3) was a member of the public employees' retirement fund during the employment described in subdivision (2); and
- (4) ceased employment with the political subdivision and was hired by the unit's fire department due to the reorganization of emergency medical services within the department's jurisdiction;

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shall participate in the 1977 fund. A firefighter who participates in the 1977 fund under this subsection is subject to sections 18 and 21 of this chapter.

(h) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the individual was appointed as:

(1) a fire chief under a waiver under IC 36-8-4-6(c); or

(2) a police chief under a waiver under IC 36-8-4-6.5(c);

unless the executive of the unit requests that the 1977 fund accept the individual in the 1977 fund and the individual previously was a member of the 1977 fund.

(i) A police matron hired or rehired after April 30, 1977, and before July 1, 1996, who is a member of a police department in a second or third class city on March 31, 1996, is a member of the 1977 fund.

(j) A park ranger who:

(1) completed at least the number of weeks of training at the Indiana law enforcement academy or a comparable law enforcement academy in another state that were required at the time the park ranger attended the Indiana law enforcement academy or the law enforcement academy in another state;

(2) graduated from the Indiana law enforcement academy or a comparable law enforcement academy in another state; and

(3) is employed by the parks department of a city having a population of more than one hundred twenty thousand (120,000) but less than one hundred fifty thousand (150,000);

is a member of the fund.

(k) Notwithstanding any other provision of this chapter, a police officer or firefighter:

(1) who is a member of the 1977 fund before a consolidation under IC 36-3-1-5.1 or IC 36-3-1-6.1;

(2) whose employer is consolidated into the consolidated law enforcement department or the fire department of a consolidated city under IC 36-3-1-5.1 or IC 36-3-1-6.1; and

(3) who, after the consolidation, becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 36-3-1-5.1 or IC 36-3-1-6.1;

is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(l) Notwithstanding any other provision of this chapter, if:

(1) before a consolidation under IC 8-22-3-11.6, a police officer or firefighter provides law enforcement services or fire protection services for an entity in a consolidated city;

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(2) the provision of those services is consolidated into the **consolidated** law enforcement department or fire department of a consolidated city **under IC 36-3-1-5.1 or IC 36-3-1-6.1**; and
 (3) after the consolidation, the police officer or firefighter becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 8-22-3-11.6;

the police officer or firefighter is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(m) A police officer or firefighter who is a member of the 1977 fund under subsection (k) or (l):

(1) may not be:

(1) ~~(A)~~ retired for purposes of section 10 of this chapter; or

(2) ~~(B)~~ disabled for purposes of section 12 of this chapter;

solely because of a change in employer under the consolidation;
and

(2) shall receive credit for all years of service as a member of the 1977 fund before the consolidation described in subsection (k) or (l).

SECTION 73. IC 36-9-13-35, AS AMENDED BY P.L.146-2008, SECTION 790, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 35. **(a) In a county not having a consolidated city**, the annual operating budget of a building authority is subject to review by the county board of tax adjustment and then by the department of local government finance as in the case of other political subdivisions.

(b) In a county having a consolidated city, the annual operating budget of a building authority is subject to review and approval by the city-county legislative body as provided by IC 36-3-6-9.

SECTION 74. IC 36-10-7-1.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1.4. **(a) As used in this chapter, "county official" means the official designated under IC 36-3-5-2 as responsible for administering this chapter. In a county having a consolidated city, the county official (rather than the township trustee) is responsible for administering this chapter after December 31, 2010.**

(b) In a county having a consolidated city, a reference in this chapter to "township" is considered a reference to the county.

(c) In a county having a consolidated city, a reference in this chapter to "township trustee" is considered a reference to the county official.

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SECTION 75. IC 36-10-7.5-1.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 1.4. (a) As used in this chapter, "county official" means the official designated under IC 36-3-5-2 as responsible for administering this chapter. In a county having a consolidated city, the county official (rather than the township trustee) is responsible for administering this chapter after December 31, 2010.**

(b) In a county having a consolidated city, a reference in this chapter to "township" is considered a reference to the county.

(c) In a county having a consolidated city, a reference in this chapter to "township trustee" is considered a reference to the county official.

SECTION 76. IC 36-6-1.5-1 IS REPEALED [EFFECTIVE JANUARY 1, 2013].

SECTION 77. [EFFECTIVE JULY 1, 2010] **The general assembly finds the following:**

(1) A county having a consolidated city faces unique operational and financial challenges due to its size and dense population. These challenges include the following:

(A) Serving as the seat of state government.

(B) Managing a large number of tax exempt properties.

(C) Operating across the boundaries of numerous local government territories.

(D) Protecting a very large amount of governmental property and providing appropriate public safety resources to support its role as the state capital and a center for local, state, national, and international sporting, tourism, and cultural events.

(2) The challenges described in subdivision (1) as well as other challenges result in operational inefficiencies, inconsistent delivery of services, entities performing governmental services without proper oversight by the city-county legislative body, and untapped economies of scale. Streamlining township, city, and county services and operations into city-county government serves the following purposes:

(A) Increasing transparency, accountability, and oversight by the city-county council.

(B) Reducing layers of government bureaucracy.

(C) Providing better coordinated, more uniform, and more effective delivery of services.

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1 **(3) The public purpose of this act is to provide a county with**
2 **a consolidated city the means to perform essential**
3 **governmental services in a more effective, transparent, and**
4 **accountable manner. Doing this is of high public utility and**
5 **benefit.**

6 **SECTION 78. [EFFECTIVE JULY 1, 2010] (a) The department**
7 **of local government finance shall adjust the maximum permissible**
8 **property tax levies and property tax rates of units of local**
9 **government as necessary to account for transfers of duties, powers,**
10 **and obligations under this act.**

11 **(b) This SECTION expires July 1, 2014.**

12 **SECTION 79. [EFFECTIVE JULY 1, 2010] (a) The legislative**
13 **services agency shall prepare, as directed by the legislative council,**
14 **legislation for introduction in the 2011 regular session of the**
15 **general assembly to organize and correct statutes affected by this**
16 **act, if necessary.**

17 **(b) This SECTION expires July 1, 2011.**

18 **SECTION 80. An emergency is declared for this act.**

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